

By Mr. REILLY: Petition of the Board of Agriculture of the State of Connecticut, favoring the passage of the Lever agriculture-extension bill for the advancement of agriculture; to the Committee on Agriculture.

Also, petition of the National Association of Railway Commissioners, favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation to transfer the national forests to the control and ownership of the individual States within which they lie; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Petition of citizens of Somerville, Mass., favoring the passage of the McLean bill, for granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the New Jersey Chapter of the American Institute of Architects, favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation transferring the ownership of national forests to the States within which they lie; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of citizens of New York State, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Brooklyn Chapter of the American Institute of Architects and the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York, favoring the adoption of the Mall site and the design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

## HOUSE OF REPRESENTATIVES.

SATURDAY, January 25, 1913.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, our heavenly Father, for the precepts enunciated and exemplified in the life of Thy servants, especially for those great precepts enunciated by the Jesus of Nazareth and exemplified in His incomparable life and character, the earnest for all who strive for the mastery of self in perfected manhood which fits us for the here and the there, the now and the then. And we most fervently pray for the victory for ourselves and all men, that we may satisfy the longings of our better self and reflect Thy glory in an unblemished character. This we ask in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8183. An act for the relief of Capt. Frank Parker.

### SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following title were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8183. An act for the relief of Capt. Frank Parker; to the Committee on Military Affairs.

S. J. Res. 157. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913; to the Committee on Appropriations.

### NEW JERSEY-NEW YORK JOINT HARBOR LINE COMMISSION.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House joint resolution 210, authorizing the President to appoint a member of the New York-New Jersey Joint Harbor Line Commission, with the Senate amendment thereto, and consider the same at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

Mr. TOWNSEND. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

SPEAKER PRO TEMPORE FOR SUNDAY, JANUARY 26, 1913.

The SPEAKER appointed Mr. FITZGERALD to preside as Speaker pro tempore at the memorial exercises to be held Sunday, January 26, 1913.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAGGART to attend the memorial exercises in honor of the late Representative W. W. WEDEMEYER.

### CALL OF THE HOUSE.

Mr. STANLEY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House. The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alken, S. C.	Gardner, N. J.	Lafean	Prouty
Ames	George	Lamb	Pujo
Ansberry	Gill	Langley	Rainey
Ayres	Gillett	Legare	Randell, Tex.
Barchfeld	Glass	Levy	Redfield
Bates	Goeke	Lindsay	Reynolds
Berger	Green, Iowa	Linthicum	Rosenberg
Bradley	Greene, Mass.	Littleton	Rucker, Colo.
Brantley	Griest	Longworth	Sabath
Brown	Gudger	Loud	Scully
Browning	Guernsey	McCall	Sells
Burke, Pa.	Hamilton, Mich.	McGuire, Okla.	Sheppard
Candler	Hardwick	McKinley	Sherley
Cantrill	Harris	McLaughlin	Slemp
Carter	Harrison, Miss.	Martin, Colo.	Small
Clark, Fla.	Harrison, N. Y.	Martin, S. Dak.	Smith, J. M. C.
Cline	Hartman	Matthews	Smith, Cal.
Conry	Hayes	Merritt	Smith, N. Y.
Cooper	Heald	Moon, Pa.	Speer
Copley	Higgins	Moore, Tex.	Stack
Crago	Hill	Mott	Stephens, Nebr.
Cravens	Hinds	Murdock	Sulloway
Crumpacker	Hobson	Needham	Talbot, Md.
Cullopp	Howard	Nelson	Taylor, Colo.
Curry	Howell	Oldfield	Tilson
Danforth	Hull	Olsted	Underwood
Davis, Minn.	Humphrey, Wash.	O'Shaunessy	Vare
Davis, W. Va.	Jackson	Palmer	Vreeland
De Forest	James	Patten, N. Y.	Watkins
Dickson, Miss.	Johnson, Ky.	Patton, Pa.	Weeks
Difenderfer	Jones	Payne	Whitacre
Dixon, Ind.	Kennedy	Peters	Wilder
Doremus	Kent	Plumley	Wilson, N. Y.
Fields	Kindred	Porter	Wood, N. J.
Focht	Kitchin	Pou	Woods, Iowa
Fordney	Konig	Pray	

The SPEAKER. On this call 240 gentlemen have answered to their names, a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RIORDAN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henrietta Sherman, Fifty-eighth Congress, third session, no adverse report having been made thereon.

### IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I desire to call up the conference report on the bill S. 3175, the immigration bill, and move the adoption of the report, and on that I demand the previous question.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that until the report is read the gentleman is a little previous.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] calls up the conference report on the immigration bill, which the Clerk will report.

The Clerk began the reading of the report.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Alabama whether, if the

unanimous consent now asked for be given, he will, notwithstanding that, move the previous question?

Mr. MANN. Mr. Speaker, could not we, pending that, reach an agreement as to time?

Mr. BURNETT. If the previous question is adopted, there will be 20 minutes on a side, I understand.

Mr. MANN. Mr. Speaker, if the report should be read and the previous question be adopted, there would be 40 minutes' debate. I take it it will take a half an hour—I do not remember how long—to read the conference report.

The SPEAKER. It will take an hour.

Mr. MANN. Why not make an agreement to save that time and use it in debate instead of reading the report?

Mr. BURNETT. And then agree that the previous question may be considered as ordered?

Mr. MANN. By agreement—

Mr. BURNETT. Would this kind of an agreement satisfy the gentleman, that the debate on the previous question by unanimous consent instead of being confined to 40 minutes be for an hour? I would not want the 40 minutes' debate on the previous question and the hour besides.

Mr. MANN. I understand.

Mr. MOORE of Pennsylvania. Let us have an hour's debate, Mr. BURNETT. If that agreement can be reached it will be perfectly satisfactory to us.

The SPEAKER. That will be done if anybody will ask for it and nobody objects to it.

Mr. MANN. Ask unanimous consent that the statement may be read in lieu of the report and that we have one hour's debate, and at the end of that time the previous question be considered as ordered—

Mr. BURNETT. Yes; I ask that.

Mr. MANN. The time to be equally divided.

Mr. GOLDFOGLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of asking a modification of the request that is submitted by the gentleman from Illinois. I would have it an hour and fifteen minutes, in which case I will not make any objection, the time to be divided between the gentleman from Alabama [Mr. BURNETT] and myself, one-half to be controlled by the gentleman from Alabama and one-half by myself.

Mr. BURNETT. That is satisfactory.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the statement be read in lieu of the report and that there shall be an hour and fifteen minutes of debate, at the end of which time the previous question shall be considered as ordered, the time to be divided equally between the gentleman from Alabama [Mr. BURNETT] and the gentleman from New York [Mr. GOLDFOGLE].

Mr. MOORE of Pennsylvania. Now, Mr. Speaker, that arrangement is entirely satisfactory to me if some agreement can be had with regard to time for this side. The peculiar situation here is that the gentlemen controlling the time are really upon the same side of the House. There are gentlemen over here who desire some time.

Mr. MANN. I take it that the gentleman from Pennsylvania will receive time from the gentleman from New York.

Mr. MOORE of Pennsylvania. How much time does the gentleman from New York expect to get out of this 1 hour and 15 minutes?

Mr. GOLDFOGLE. Half of it.

Mr. MOORE of Pennsylvania. How much time will the gentleman from New York concede to me?

Mr. GOLDFOGLE. How much time does the gentleman want?

Mr. MOORE of Pennsylvania. I think I ought to have one-half of the time the gentleman takes to himself.

Mr. MANN. For use on this side of the House?

Mr. MOORE of Pennsylvania. For use on this side of the House.

The SPEAKER. Is the gentleman from Illinois [Mr. MANN] or the gentleman from Pennsylvania [Mr. MOORE] to control the time on their side?

Mr. MOORE of Pennsylvania. The gentleman concedes 20 minutes to this side.

Mr. GOLDFOGLE. There seems to be so many on this side of the House who want to talk that I can not concede to the gentleman from Pennsylvania as much time as he wants.

Mr. MOORE of Pennsylvania. Then I shall be compelled to object.

The SPEAKER. How much time will the gentleman yield to the gentleman from Pennsylvania [Mr. MOORE], if any?

Mr. MOORE of Pennsylvania. This is a tripartite arrangement—

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object until we get this question of time settled. If the gentleman from New York [Mr. GOLDFOGLE] is willing to concede 15 minutes of his time to this side of the House, to be controlled by me, I will not object.

Mr. SHERLEY. How much time does the gentleman want?

Mr. MOORE of Pennsylvania. I want to control 15 minutes.

Mr. SHERLEY. That is just it. There is no more reason why you should control time than some other Republicans should control time who are not in favor of it.

Mr. MANN. The gentleman is not only the ranking member of the committee but is a Member on this side of the House. I think there can be no objection to giving him 15 minutes' time.

Mr. BURNETT. We have hardly had any requests for our time, and we will give the gentleman 10 minutes of it.

The SPEAKER. Is there objection?

Mr. GOLDFOGLE. Will the gentleman from Alabama [Mr. BURNETT] yield to the gentleman from Pennsylvania [Mr. MOORE] 10 minutes of time?

Mr. BURNETT. Ten minutes of time.

Mr. GOLDFOGLE. Then I will yield 10 minutes, inasmuch as the gentleman from Alabama is willing to yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Very well. I am satisfied.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read the statement.

The conference report is as follows:

#### CONFERENCE REPORT (NO. 1378).

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out the text inserted by the House amendment and insert in lieu thereof the following:

"That the word 'alien' wherever used in this act shall include any person not a native born or naturalized citizen of the United States, or who has not declared his intention of becoming a citizen of the United States in accordance with law; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seaman' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"SEC. 2. That there shall be levied, collected, and paid a tax of \$5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port of customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of



any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or

religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within 3 days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing and his determination thereon, in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court, or the judge thereof in vacation, shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeals shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment



of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"Sec. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than \$5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"Sec. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of \$1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"Sec. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereof, respectively.

"Sec. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of \$400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Sec-



retary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"Sec. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$100 nor more than \$1,000 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United State court.

"Sec. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigration inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the 'passenger act' of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000

for each and every day during which such violation continues, the term 'violation' to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"Sec. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign



country; and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, etc., is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of \$10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary

removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any part of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safe-keeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 thereof; any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to, or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States.' Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, includ-



ing employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than \$200 nor more than \$2,000; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other advisor on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to

make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of \$300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of \$1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than \$500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution



or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than \$500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be

admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

"SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and



their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such writ when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who conspires or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports

of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding \$5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding \$1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlaw-

fully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof;

the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

JOHN L. BURNETT,  
AUGUSTUS P. GARDNER,

*Managers on the part of the House.*

H. C. LODGE,  
WM. P. DILLINGHAM,  
LE ROY PERCY,

*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 3175) regulating the immigration of aliens, submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

The Senate having disagreed to the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference committee.

The bill as it passed the House contained no features except the illiteracy test. The Senate bill contemplated many changes in the law and an illiteracy test substantially similar to that proposed in the House, the principal difference being that the Senate included "writing" in its test and differed somewhat from the House as to the admissibility of illiterate relatives of qualified immigrants. On all substantial matters of difference between the Senate and the House touching the illiteracy test the Senate receded.

The changes made in conference since the last conference report was accepted by the House on January 17 are as follows:

First. In section 1 the definition of the word "alien" has been somewhat changed by exempting from its scope persons who have declared their intention of becoming citizens of the United States.

Second. The clause relating to penal certificates and certificates of character has been stricken from the bill. This clause was formerly in section 3.

Third. In section 3 an appeal is provided from the decisions of the Secretary of Commerce and Labor touching the necessity of importing skilled contract labor.

Fourth. In section 7 a mistake has been corrected with regard to the penalty imposed for soliciting immigration.

Fifth. In section 9 the reading is slightly changed so as to make it clear that certain excepted illiterates may lawfully be brought to the United States.

The principal changes in existing law proposed by the Senate and agreed to by the managers on the part of the House, as set forth in the conference report of January 16, 1913, and retained in this conference report, are as follows:

First. An increase of the head tax from \$4 to \$5 per alien.

Second. The exclusion of aliens not eligible for naturalization.

Third. Making it permissible for the Secretary of Commerce and Labor to decide beforehand as to the necessity of importing such skilled contract labor as is now admissible under the existing contract-labor law.

Fourth. Providing more severe penalties for transportation lines which violate the law against advertising for immigrants and which bring to the United States aliens who are ineligible to enter.

Fifth. Providing for matrons, inspectors, and surgeons on immigrant ships at the discretion of the Secretary of Commerce and Labor.

Sixth. Providing machinery for compelling the attendance and testimony of witnesses before the immigration authorities when required.



Seventh. Providing for the deportation of aliens who become criminals within three years subsequent to entry.

Eighth. Providing for interior immigrant stations.

Ninth. Providing against the illegal entry of seamen and stowaways.

Tenth. Permitting aliens to be represented by counsel in the case of appeals from the decisions of boards of special inquiry.

Eleventh. Providing experts in insanity at large ports of entry.

Twelfth. A definition of the meaning of the word "alien" where it appears in the bill.

JOHN L. BURNETT,  
AUGUSTUS P. GARDNER,  
*Managers on the part of the House.*

Mr. BURNETT. Mr. Speaker—

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized for 37½ minutes, and out of that he yields to the gentleman from Pennsylvania [Mr. MOORE] 10 minutes.

[Mr. BURNETT addressed the House. See Appendix.]

Mr. DIES. Mr. Speaker, I am exceedingly gratified that this bill is to pass the House and will shortly pass the body at the other end of the Capitol and become a law of this Nation.

Opponents of this bill have never attempted to argue or contend that the 250,000 immigrants to be excluded by the provisions of this bill are capable of self-government. They could not have taken that position without having been driven from it upon the floor of the House. They shield their opposition to this bill behind the statement that they want more labor in this country to develop its natural resources. My friend from New York, Mr. GOLDFOGLE, who is one of those occupying that position, was asked if the importation of large numbers of cheap laborers from the poorly paid labor district of the south and east of Europe would not depress the labor market of the United States. He unfolded a new doctrine of political economy before the House by saying that the importation of cheap laborers into this labor market would not reduce the price of labor here.

Mr. GOLDFOGLE. I said nothing of the kind. That is altogether a misstatement.

The SPEAKER. The gentleman from New York must not interrupt the gentleman from Texas without his consent.

Mr. DIES. My friend from New York, Mr. GOLDFOGLE, in the discussion heretofore seemed to feel that I was not properly in sympathy with his constituents. I assure the gentleman that there is no constituency in this country for whose misfortunes my heart goes out in more tender commiseration. I believe I am a better friend of the constituents of the gentleman from New York, who represents the East Side of that crowded city, than he is himself. I would close the ports to the ignorant, illiterate masses who come to dump themselves into his district, an unlettered, struggling, pitiable people who are already oppressed sufficiently.

Mr. Speaker, there is another phase of this question. We talk about wanting to be relieved from the high cost of living. This illiterate quarter of a million people who come from the south and east of Europe do not go to the farms to till the untilled acres, to build homes, and grow food with which to feed the people. They go into the crowded cities, like the East Side of New York, and while I admit that they do not demand very much in the shape of food from the markets, still what little they get to live on adds to the high cost of living in this country.

Moreover, if that question were not involved, I should still be in favor of this bill, because I am not one of those who believe that all the resources and opportunities of this country should be developed in a decade, a half century, or a century. I would leave some railroads to be built, some mines to be worked, some natural resources of this country to be developed by your children and your children's children in the generations yet unborn. I think no more cruel thing could be done by the American people in their mad race to make money than to develop all of the resources of this country in this age and generation, and leave this country as barren of opportunities as are the countries in the south and east of Europe from which these people come. [Applause.]

Mr. BURNETT. Mr. Speaker, I will ask the gentleman from New York [Mr. GOLDFOGLE] to use some of his time now.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has 37½ minutes minus 10 minutes.

Mr. GOLDFOGLE. I yield to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I interrupted the remarks of the gentleman from Alabama [Mr. BURNETT], not because I

desired to intrude upon him at all but simply because I wanted to satisfy myself by questions properly directed to him with regard to his point of view concerning the pending legislation.

He magnified the fact that he had accepted the point of view of the Secretary of Commerce and Labor with regard to certain features of the pending conference report.

And when I asked him whether the Secretary of Commerce and Labor had communicated any views, officially or unofficially, in regard to the main proposition contained in his conference report, he evaded the question with the skill he usually shows when he does not desire to meet squarely a question propounded to him.

Mr. Speaker, I shall continue to vote against this conference report because the main proposition in it is the adoption or rejection of the illiteracy test of immigrants coming to this country. I do not believe now, I never have believed, and I do not think I shall ever believe in any kind of test that requires a person coming into this country shall show an inspector of immigration that he is able to read. I think it is a false test; I think it is un-American; I think it is undemocratic; and because of this main proposition contained in the report, skillfully concealed by the recodification of the laws and the reenactment of certain provisions of existing law about which there is no difference of opinion between Members of this Congress, I believe the illiteracy test is the main proposition, and therefore I shall withhold my assent to this conference report.

Now, in the second paragraph of the statement of the managers on the part of the House you will find the keynote to my opposition:

The Senate having disagreed to the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference committee.

There is the fact, Mr. Speaker, frankly admitted in the second paragraph in the statement of the managers on the part of the House. The whole subject of immigration was opened up and these men, three on the part of the House and three on the part of another legislative Chamber, these six men sat down and revised and codified the entire immigration laws of this Nation.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. BURNETT. Mr. Speaker, I yield one-half minute to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I am a member of a committee which must necessarily leave here before the vote can be had on this bill. I simply want to say that if it were possible for me to be here when the roll is called I should vote to concur in this conference report, as I have voted for the bill at every stage. I believe, Mr. Speaker, the time is at hand when it is absolutely necessary, if we would maintain the high standard of citizenship in this Republic, that there should be some further restrictions on immigration, and I believe that this bill provides for such restrictions in accordance with the report of the Immigration Commission.

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, the agitation against immigration has existed for long over a generation. From 1854 to 1860 the hurricane of protests against immigration from Ireland and somewhat from Germany might be compared then with the gentle breeze of protest against immigration now. [Applause.] I can not, of course, in a minute discuss this question. I am but little over a century old from the other side when some of my forbears came to this country with accommodations inferior to steerage accommodations now, but I am ready to welcome any man that is willing to live in the sweat of his face, of the Caucasian race, who comes here to cast his lot with us. I had rather have one man of that kind who can not read or write, ready to work, than a whole hundred men who can read and write who will not work. [Applause.] I shall vote against this conference report. [Applause.]

Mr. MOORE of Pennsylvania. I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, my objection to the bill is to the illiteracy test. Let us see how that will work out in the Territory of Hawaii. There the working population in the sugar plantations is composed of Chinese and Japanese almost exclusively. The Japanese laborers outnumber all others there by many thousands. Within recent years the Hawaiian planters have gone to Europe to induce white labor to come to those islands. They brought many shiploads of Spaniards and Portuguese and paid them one-third more in salary than they were paying the Japanese and Chinese. They are largely illiterates who can not read or write. They work in the cane fields. The educated white men are not willing to do that kind of work.

Yet this bill will prevent the Hawaiian planters from building up a Caucasian civilization in these islands and will compel them to continue Japanese labor in the sugar fields.

I apprehend that there is not a Member on the floor who desires to orientalize these islands, and yet under the terms of this bill Caucasian labor will be excluded and planters will be compelled again to resort to the local cheap labor of Japan.

There is another provision of the bill which excludes all those immigrants who can not become citizens under our naturalization laws. That provision will affect all Asiatics, so that the sugar producers of Hawaii will not be able to bring Caucasians from Europe or orientals from Asia to work their plantations. It is a remarkable condition of affairs. And yet this bill creates that very condition.

Mr. Speaker, it is a strange fact that the most insistent advocates of this measure come from those sections of the Union where there is the most illiteracy and the least immigration. In that section of the Union from which I come we need hundreds of miles of electric railroads to bring the products of our orchards and vineyards to the seaboard. The educated native American will not do the rough, hard work of digging trenches, ballasting roadways, and laying rails. The men who do that class of work are, for the most part, illiterates. Our experience has been that they are frugal and hard-working Greeks and Italians. These immigrants readily embrace the opportunity to educate themselves, and their children become progressive, cultured, patriotic American citizens. I believe that the adoption of an illiteracy test will not keep out undesirable immigrants, but it will keep out thousands of "hewers of wood and drawers of water" whose labor would add materially to the prosperity of our country.

Mr. GOLDFOGLE. Mr. Speaker, I yield one-half minute to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, I send to the Clerk's desk a letter from the archbishop of St. Louis, and ask to have it read in my time.

[During the reading of the letter the time of the gentleman from Missouri expired, and he was granted sufficient time to have the reading of the letter completed.]

The Clerk read as follows:

ARCHBISHOP'S HOUSE,  
St. Louis, January 15, 1913.

Congressman L. C. DYER,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: \* \* \* I am quite opposed to the literacy test; it is not the people who do not read that compose the criminal class—they do not furnish murderers for our Presidents, anarchists for our cities, nor Socialists for our universities. Furthermore, in Missouri our poor but honest immigrant farmer is gradually building up a decent country life, a practically new life and better life in our western country. I am surprised that any western Representatives would be in favor of this test.

The real test for the immigrant should be character, and character can exist without the accident of literary knowledge. The man who will live decently, and who has a working knowledge of the Ten Commandments and the Golden Rule, who is physically and mentally sound, is an acquisition really worth having. The man who knows how to read but is not mentally honest is, in his coming, a menace rather than a blessing.

I remain, with excellent good wishes,  
Sincerely, yours,

JOHN J. GLENNON,  
Archbishop of St. Louis.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the inclusion of the telegram which I send to the desk.

The SPEAKER. Is there objection?

There was no objection.

The telegram is as follows:

ST. LOUIS, MO., January 24, 1913.

Hon. L. C. DYER,  
House of Representatives, Washington, D. C.:

Southwestern Railroad and farmers are much interested that immigration bill shall contain exception as to illiterate Mexican laborers. This class of laborers is largely employed in the track work for railroads and furnishes cheap labor, especially for cotton growers. They are capable men, and their exclusion would seriously handicap these interests. Please give this matter consideration, and if consistent, act in favor of said exception.

LEE W. HAGERMAN.

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, it is to be hoped that Members of the House will not deceive themselves with regard to the character of this bill. This is not the House bill, nor is it anything like it. Our own committee, headed by the gentleman from Alabama, as able and honorable a Member as sits in this House, after a most careful and exhaustive consideration, which extended over a year, decided to report a modest bill, with only the literacy test as a change in our immigration laws. That bill passed this House and was sent to the Senate. Instead of a single provision upon a single subject, we have returned to us an elaborate code of 38 sections, 58 pages in length, which, in

my judgment, contains many objectionable features. It is said we must give up the well-considered judgment of the committee and of the House or there will be no legislation. I am opposed to submitting to that sort of coercion, and I think it would be vastly better that no legislation should be enacted than that the present substitute bill should become a law.

Indeed, Mr. Speaker, our present law is sufficient for our present needs. Vigorously enforced it will be amply protective under existing conditions. Under our present laws we exclude all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous or had two or more attacks of insanity, paupers and persons likely to become a public charge, professional beggars, persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, persons mentally or physically defective, persons convicted of or who admit committing a crime, polygamists, anarchists, prostitutes or those coming for the purpose of prostitution or any other immoral purpose, procurers, contract laborers, those previously deported within one year, those whose passage is paid for by another for gain or as wages, all children of 16 years unaccompanied by one or both of their parents. This list does not embrace all of the excluded classes, but it gives a fair idea of our present law. Our exclusionary list was not made up by theorists. It is the result of more than a century of experience. It is intended to keep from our shores the undesirable classes, and does so fairly well. Administration improvement and a stricter enforcement of the law is possible and should be secured. But it may well be doubted if it will be wise or safe to go much farther. Indeed, it is frankly admitted by some of the advocates of the present measure that we have gone as far as we can to sift and select the desirable and to protect ourselves from the undesirable immigrant. The present bill is not so much to protect immigration as to restrict. It is intended not to better its character but to stop it as far as possible.

#### A NATION OF IMMIGRANTS.

We are a nation of immigrants. Our forebears were all foreigners. In our earlier years colonizing companies induced a large immigration. In spite of the discomforts, the dangers, and the sufferings of those early voyages; in spite of shipwreck, smallpox, scurvy, and ship fever, between 1607 and 1660 about 80,000 persons were landed in America. During the century following immigrants came not only from the British Isles but from France, Spain, Holland, Germany, and Switzerland. And when our westward migration began America became a melting pot of races. The earlier colonists settled in communities—the Dutch in New York, the Germans and Quakers in Pennsylvania, the Puritans in Massachusetts—but when their sons and daughters moved west across the Alleghenies into the great valley of the Mississippi these races were commingled, their racial characteristics were soon lost, and the American citizen was created.

Methinks—

Said Tocqueville—

I see the destiny of America embodied in the first Puritan who landed on these shores, just as the human race was represented by the first man.

But proud as we are of the influence of Puritan characteristics—his religious independence, his indomitable courage, his unconquerable energy—in our national type, it can not now be claimed that the Puritan was an exemplar of American citizenship. It was by a fusion of the characteristics of all these immigrants that the American type was created. In this laboratory of American democracy American liberty was evolved, American ideals were formed, and American types created.

#### OUR IMMIGRATION HISTORY.

Up to 1810 the annual immigration was about 6,000. It fell to almost nothing on account of our war with England, but as soon as peace was restored it increased in 1817 to 20,000. In 1840 it was 84,000. It rose rapidly, until in 1854 it amounted to 427,000. Then, under the influence of business depression and the threatened Civil War, it fell in 1861 to 91,000. In 1873 it had again risen to nearly half a million. Business depression again checked it until under better conditions it rose in 1882 to more than three-quarters of a million. In 1893 and the years following it decreased, but since 1897 it has materially increased. The variation from year to year is considerable, but the average immigration as compared with population has been singularly uniform. In 1860 foreigners amounted to 15 per cent of our population; in 1870, 14.4 per cent; 1880, 13.3 per cent; 1890, 14.8 per cent; 1900, 13.6 per cent; 1910, about 15 per cent.

As an argument for restriction it is argued that the older immigration was of a high character and therefore advantageous, while the newer immigration is of a lower grade and should be repressed.



A short excursion into our history may be useful in determining the truth of this assertion and the value of this argument.

Prof. Commons estimated that one-half of all the immigrants of the colonial period landed as indentured servants. To pay for their passage money, which was exorbitant, they were sold, usually at auction, after their arrival into servitude. The ship-owners derived enormous profit from this traffic in human flesh, while the suffering of the immigrants was terrible. On an average, adult men and women had to serve from 3 to 6 years, and children from 10 to 15 years. In case no buyers came to the ships the passengers were sold to agents, who chained them together and peddled them through the towns and villages. As late as 1819 there was a sale of immigrants in Philadelphia.

In the same year the annual report of the Society for the Prevention of Pauperism in the City of New York spoke thus of the immigrant of that day:

They are frequently found destitute in our streets; they seek employment at our doors; they are found in our almshouses and in our hospitals; they are found in our \* \* \* State prisons; and we lament to say they are too often led by want and by habit to form a phalanx of plunder and depredations.

In 1845 the delegates to the Native American National Convention published an address in which they discussed the immigration of that day as "of an ignorant and immoral character. The almshouses of Europe are emptied upon our coasts."

The rise of the Know-Nothing Party, whose principal article of faith was opposition to foreigners, constitutes an interesting chapter in our history. In 1856 it held a national convention which adopted a platform containing the following plank:

Americans must rule America, and to this end native-born citizens should be selected for all State, Federal, and municipal offices of the Government employment in preference to all others.

It nominated Millard Fillmore for President. Nearly 1,000,000 votes were cast for him, and one State—Maryland—gave him its electoral vote. But the party was short lived. As Horace Greeley predicted, it lasted through one campaign only.

Benjamin Franklin opposed the coming of the Germans to Pennsylvania. Referring to them he said:

Those who come hither are generally the most stupid of their own nation, and as ignorance is often attended with great credulity when knavery would mislead it, it is almost impossible to remove any prejudice they may entertain.

As early as 1789, for the avowed purpose of discouraging immigration, the period of naturalization was extended from 5 to 14 years. During the same session of Congress the odious alien and sedition laws were passed, which conferred upon the President the power to exclude at his will any foreigner found upon American territory. Our only consolation in contemplating this dishonorable chapter of our history lies in the fact that as soon as the sober judgment and sense of justice of the people could find expression these laws were repealed.

It will be seen from this review that the same objections that are being urged against our immigration to-day have been urged throughout our history. The past immigrant is always a good immigrant and the present immigrant is always a bad immigrant, no matter where he may come from. The same objections that are now being made against the Italians, the Greeks, and the Jews were made in former years against the Irish, the Swedes, and the Germans. As those objections were unfounded it is not a violent presumption that these are. It is certainly true that the average immigrant who comes here is among the most enterprising, thrifty, and courageous of the community from which he came, instead of being the "most stupid" as Franklin asserted. It requires energy, prudence, and foresight to conduct the inquiries, to arrange passage, to accumulate the necessary means, and to find a way across the Atlantic. The accomplishment of this no inconsiderable endeavor is in itself an earnest of those characteristics which make for useful citizenship.

#### UNFOUNDED PREJUDICE.

Strange indeed it is what prejudice may do in blinding men's minds to all the lessons of the past. We must keep out the Jews, the Greeks, and the Italians, say these objectors. And yet if you take from the past the contributions these people have made to civilization, you would blot out Christianity, you would blot out literature, art, poetry, eloquence, science, philosophy, government, and law. Nevertheless it is urged that it is dangerous to allow these people to come to our shores. I was told but the other day by the principal of one of the high schools that his honor students of foreign extraction outnumber those of the native born proportionately more than two to one.

The best orator in one of our State universities last year was a Jew. The most promising pupil in one of our largest art schools is an Italian. The leading students in one of our best

technical schools are two Greeks. An acute foreigner, giving his observation of American traits, says:

It is in fact astonishing to look at the classes in the New York schools down on the east side where there is not a child of American parentage, and yet not one who will admit he is an Italian, Russian, or Armenian. All these small people declare themselves passionately to be "American," with American patriotism and American pride.

It may not be an unhappy circumstance that we are thus able to infuse some of this passionate American patriotism into our national life which seems to have grown cold and captiously critical of everything American.

It may not be an idle thought that Providence in leading the Nation gave us first the sturdy energy, the practical industry, and the deliberate determination of the people from Great Britain, Germany, Norway, and Sweden; and that now it is adding to perfect the commingling of racial characteristics the poetry, the artistic temperament, and the passionate devotion of the southern countries.

From the first we have pursued a liberal policy, and we can not but believe it has given us a better and a higher type of manhood and womanhood. It has brought to us a greater national strength, a more rapid progress, a fuller development, a larger liberty, and a more perfect democracy. There is nothing in our experience during all the years of our history that would warrant the conclusion that it would have been better for us in the past, or that it would be better for us in the future, to adopt a restrictive policy.

#### IMMIGRATION AND CRIME.

It is argued in this debate that immigration ought to be checked because it increases crime and lawlessness. It is strange how persistent is the delusion that foreigners are naturally and inherently lawless and criminal. The charge has been made throughout our history whenever the antiforeign spirit was stirred that immigration was the mother of crime. As a matter of fact, there has never been any reliable evidence to show that the foreigner was any more lawless than the native born.

In truth the big criminals, the men who have stolen millions, have not been foreigners. The organized plunderers who have brought disgrace upon our Nation and our age have not been foreigners. The bankers and trustees and guardians who have stolen the property of widows and orphans have not been foreigners. The sharper, the swindler, the "gold-brick" crook, and the "blue-sky" fraud, the gambler, the pickpocket, the bank and train robber—these have not been foreigners.

It should be remembered that the periods of the largest immigration show the least proportion of crime, and the periods when immigration is least are the periods showing the greatest percentage of crime. According to a census report published in 1904, foreign-born persons between 15 and 19 years of age committed to prisons were nearly 1 per cent less in proportion than native born. Of the total number of white males 21 years of age and upward 26 per cent were foreign born and 74 per cent were native born; but the proportion of foreign-born major offenders was but 21.7 per cent, while the native whites was 78.3 per cent. In New York State, which has the largest foreign population, the native born were 61.7 per cent and the foreign born were 38.3 per cent; but of those in prison 68 per cent were native born and only 32 per cent were foreign born. The native white population of the country increased from 71.8 per cent in 1890 to 76.3 per cent in 1904. During the same period the percentage of foreign criminals decreased from 28.3 per cent to 23.7 per cent.

These statistics are sufficient to show that the charge that the foreigner is inherently bad and criminal is untrue, and what is of great significance, that our foreign population is not becoming more lawless as the years go on, but, on the contrary, less so. These statistics also show that the immigrant who is now coming is not a dangerous and criminal type. The immigrant of to-day is not a beggar or a tramp. He is a worker. He is industrious and willing to work and to work hard; and he does so as soon as he comes and as long as he stays. That type of man is rarely a criminal.

#### THE LABOR PROBLEM.

It is argued that immigration reduces wages and the demand for labor. This also is an old objection. The same argument was made when we had but 5,000,000 population. It was repeated when we had 25,000,000, and again when we had 50,000,000; and now when we approach 100,000,000 it is again urged. But the demand for labor was never so great as now and never before were wages so high. Notwithstanding the "floods" of foreigners and the "hordes" of immigrants that our friends say have been coming to drive out our home labor and reduce wages, every American laborer is holding his job and many are striking for more wages. It is a significant fact that the demand for labor has been greatest and the wages

highest when immigration has been largest. This does not prove that immigration increases wages, but it does prove that the fears of those who believe that labor is in danger from immigration are groundless. Under our present laws the laborer comes when he is needed and there is a job for him, and he goes when he is not needed. The immigrant when he first comes does the hard, undesirable, although absolutely necessary, work. He digs the ditches; he cleans the streets; he does the lowest grade of manual labor. After a few years he is promoted to an easier job and better wages and the newer immigrant takes his place. It is manifest that if you shut out the immigrant you shut out this supply for the lower grades of labor. Somebody must do this work at the bottom of the scale. It is good work, it is honorable work, but it is not the most desired nor the best paid. But it must be done by somebody. We have a great and growing country. We shall continue to dig ditches, to canalize rivers, to tunnel our mountains, to grade our railroads, to clean streets, to build bridges, to fell forests, and to clear and cultivate our lands.

We have but begun to develop our resources. We have as yet but scratched the surface of our soil. We have under contemplation great works where more labor than can now be supplied will be needed. The demand for this rough labor exceeds the supply. Railroads can not find men enough to make contemplated improvements and extensions. Public works of great importance and magnitude have to be deferred on account of lack of labor. It is said that 200,000 farm hands could be immediately placed. One hundred thousand domestic servants could find work in New York City alone. We are entering upon great river improvements, and the "good roads" work will require a new supply of laborers. There is no danger the labor market will be oversupplied.

The Canadian Parliament appropriates over \$1,000,000 yearly to encourage immigration. Canada pays a premium of \$5 for every laborer who will come. She sends agents to distribute literature to every European nation. She grants money to the Salvation Army to induce recruits to come over. She aids poor and homeless children to come to her shores. Australia is doing everything in her power to encourage immigration. Argentina is doing the same. These countries are our competitors in the production of food products in the markets of the world. Is what is a good policy for them bad for us?

But it is suggested that our population is already large. It is true that our numbers are large, but so is our area and so is our productive capacity. Large as are our numbers our population is but 31 to the square mile. In Germany it is over 300. In Belgium it is over 600. As has been shown in this debate, if the United States was as thickly populated as Belgium we would support a population of 2,342,000,000 people. We could move all the population of the United States into the State of Texas, and then Texas would not be so densely populated as Belgium to-day.

It is a remarkable fact that this bill allows the entrance freely of the nonproducing classes—lawyers, doctors, preachers, teachers—those whom we do not need, because these professions are already overcrowded, and it keeps out the producing classes, whose labor and productive energy the Nation needs most. Our policy in the past has been that any good, strong, honest man who was willing to come here, earn an honest living, and make a home was welcome. That policy has approved itself in our success as a Nation, in our growth and development, and in the character of our citizenship. It will not be wise to abandon this policy now.

Since what date has numbers in our population ceased to be considered an advantage and a thing to be desired? What State or city or town is endeavoring to discourage increase in its population? Are any of the gentlemen who deplore the condition of an overcrowded Nation willing to apply exclusionary laws to their own State or city? Are they willing to say their city is so overcrowded that further increase is not desired? It is the proudest boast of an American citizen that his city grows. His happiest hour is when he recites by decades its percentage of increase, and can thus show that it stands high among the cities of the Nation. It would be a most singular anomaly if it could be made to appear that that which was good for a State or city was bad for a nation.

#### THE LITERACY TEST.

It is proposed in this bill to exclude anyone who desires to come to this country unless he or she can stand a literacy test. No one has attempted to justify this as a test of character. It is supported merely because it is desired to make our exclusionary laws as drastic as possible, and the application of this test will decrease the number of immigrants. All of us favor the strongest laws and the strictest enforcement against the

entrance to our ports of the criminal, the vicious, the immoral, and the diseased. But these laws we have already. The literacy test will not keep out the undesirable and admit the desirable immigrant. It will exclude the unfortunate who have lived in countries where education was the privilege of the few and not the right of the many. But it will not keep out the Mafia, the Camorra, the Black Hand, the anarchist, the nihilist, the dynamiter—for all these can read. From the unfortunate, poor man who with difficulty secures money enough to pay his passage, who loves liberty enough to come, who has energy enough to break away from home ties, who brings here but two strong arms, an open mind, and an honest heart—from such as these this country has nothing to fear, even if he can not read.

When a bill providing a literacy test passed a preceding Congress, President Cleveland vetoed it on the ground that such a test was not a true, a fair, or a just test of character or citizenship. And he was justified in so doing. The uneducated European who comes here is so from lack of opportunity, rather than from inclination. The free school for everybody is not there prevalent. By the application of this test it is his misfortune and not his fault we will punish. Want of education is deplorable, but it is not criminal. It involves no moral turpitude. It is a misfortune and not a crime. We have all known honorable men, and virtuous, lovable women, faithful wives, and devoted mothers, who would have been classed as "undesirable citizens" under the application of this law. A Senator said during the debate on this bill that under its provisions his own mother would have been excluded. The mother of Abraham Lincoln would have been barred.

This act can not be defended on the ground of patriotism. It opposes our whole past history, which opened the doors of liberty to those who fled from oppression and tyranny. It can not be defended on the ground of humanity, for it shuts the door of opportunity and of hope to the unfortunate and the poor. To the unfortunate, our brothers in blood, it says: "Smug and secure in this land of promise and comfort, I am determined to keep it all for myself. It is true there is plenty of room for you, indeed there is actual need for you, but I am afraid you may get something I may want. Back, then, to the land from whence you and I both came. Your mistake is that you did not start soon enough."

Lowell in his Commemoration Ode wrote of our country:

She that lifts up the manhood of the poor,  
She of the open soul and open door,  
With room about her hearth for all mankind.

It is well he penned those patriotic lines before this act was passed. For if it shall become a law we can no longer boast the "open soul and open door."

When our country was in danger, when it was calling for volunteers to save its very existence, it did not suggest a literacy test for enlistment. It welcomed every helping hand and every loyal heart to save the Nation. Our foreign-born population vied with the native born in service and sacrifice. Indeed, it has been shown that the proportion of foreigners in the ranks was much greater than their proportion of our population.

One of the distinguished advocates of this bill said he favored it because it would check immigration. He admits we are a nation of immigrants and that immigration has greatly stimulated our growth and been the cause of our greatness. But he says that now there is an attempt to abolish constitutions and let the "momentary will of the people" prevail, and under these circumstances he thinks it necessary to restrict immigration. This belief and fear implies both lack of capacity and want of inclination on the part of the immigrant to learn and love American institutions. Against that belief and fear I am pleased to put the opinion of James Bryce, who in his *American Commonwealth*, speaking of the younger foreigners who have learned English, imbibed the sentiments, and assimilated the ideas of the country, says:

They are more American than the American in their desire to put on the character of their new country.

It is not the foreigner who is attacking our institutions and proposing to abolish constitutions. It is our native born. And when the struggle to save American liberty and constitutional government shall come, the foreigner will be found foremost in defending that which he sacrificed so much to secure.

It has always been our proud boast that we have here established a free land, in which there has always been a welcome for every man struggling for liberty, for religious freedom, for a chance in life, for a home, for education for his children, for an opportunity to carve out for himself a career of dignity as an American citizen. To take the step now contemplated is to belie all this, is to shatter these ideals, is to destroy this hope. For we are most truly American when we are most generous to others, when we are most considerate of the unfortunate, when



we most earnestly strive to make our country foremost in the cause of justice, of humanity, and of righteousness.

Mr. BURNETT. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, when the previous conference report was before this House I objected to certain provisions in it relating to certificates of character. Those provisions have been eliminated, and I shall now vote to agree to the conference report, although if it were open for amendment I would like to see some amendments made respecting immigrants charged with crime.

But I rise, Mr. Speaker, for the purpose chiefly of making this observation: Last week when this conference report was before the House, containing this provision with respect to certificates of character—a provision that was so un-American, so vicious, so indefensible, that in another body not one voice was raised to champion it when it was rejected by that body—it was agreed to here by a vote of 149 to 70, and out of those 149 votes, Mr. Speaker, 102 were Democrats.

The Democratic majority in this House has therefore made a record here that they must face in the future of favoring legislation compelling immigrants coming to this country to produce certificates of character whenever the country from which they come issues such certificates. In other words, the Democrats in this House have taken the position that in addition to the excluded classes named in the bill foreign Governments should have the right to determine who else should be excluded. Putting it another way, they declare that no Russian Hebrew shall be admitted to our shores if Russia objects, and no citizen or subject of any other country, fleeing to us from religious or political persecution, shall be admitted here if that other country objects.

Mr. Speaker, it is a matter of sincere congratulation that this vicious provision has been eliminated, but if this Democratic House had had its way it still would have been in the bill, and the country must thank the Republican Senate alone for its elimination.

From a partisan standpoint I might rejoice over this situation in which the Democratic majority in this House have placed themselves, but I am much more interested in securing legislation that is wise and just than I am in securing party advantage, and I am calling attention to this matter now in this way solely in the hope that in the future our Democratic friends will not be so ready to follow leadership blindly without regard to the merits of the questions involved. If they shall fail to heed this lesson in the future, then they can be sure that this will not be the only instance of their making a record of which they should be thoroughly ashamed.

Mr. BURNETT. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I wish to take my share of the responsibility with those 142 Democrats. I had as much part as anyone in putting that provision into the conference report. I still believe that it was wise. But discretion is the better part of valor, Mr. Speaker, and I joined in the glad throng which ran away.

Mr. GOLDFOGLE. Mr. Speaker, I yield four minutes to the gentleman from Massachusetts [Mr. CURLEY].

Mr. CURLEY. Mr. Speaker, there has been but about three full minutes of discussion of the points that should be discussed in the consideration of a measure so vital in its bearing on the country's future, and the three minutes were devoted by the chairman of the committee the last time the bill was before the House to the consideration of the economic aspects of this important legislation. The question of restricted immigration is in no sense a new question. As far back as May 9, 1753, Benjamin Franklin, in a letter to a friend, protested against the large number of Germans coming here, in the following terms:

Those who come hither are generally the most stupid of their own nation, and as ignorance is often attended with great credulity, when knavery would mislead it \* \* \* it is almost impossible to remove any prejudice they may entertain \* \* \* Not being used to liberty, they know not how to make modest use of it \* \* \* I remember when they modestly declined intermeddling with our elections; but now they come in droves and carry all before them, except in one or two counties.

Few of their children know English. They import only books from Germany, and of the six printing houses in the Province two are entirely German, two half German, half English, and but two are entirely English.

They have one German newspaper and one half German. Advertisements intended to be general are now printed in Dutch and English. The signs in our streets (Philadelphia) have inscriptions in both languages, and some places only in German. They begin, of late, to make all their bonds and other legal instruments in their own language, which (though I think it ought not to be) are allowed in our courts, where the German business so increases that there is continued need of interpreters, and I suppose in a few years they will be necessary in the assembly, to tell one half of our legislators what the other half says. In short, unless the stream of importation could be turned from

this to other Colonies, as you very judiciously propose, they will soon outnumber us; that all the advantages we will have will, in my opinion, be not able to preserve our language, and even our Government will become precarious.

And for more than 115 years the agitation has gone on to put restrictive immigration upon the statute books, but the good sense and manhood and Americanism of the Representatives of the American people in Congress have always been such as to prevent the adoption of restrictive legislation of this character. What is the condition that confronts us to-day? The men of the House have been bombarded with petitions favoring restriction, stating that the foreigners are going to overrun the country. What is the actual fact?

In the last fiscal year the net gain in population by immigration was only 400,000 and the year before that only 500,000. In the calendar year just closed about 500,000 aliens went back home. In 1908, it will be remembered, the outflow was actually larger than the inflow, and we lost population by the homeward movement of immigrants.

In five years our net gain has been about two and a half millions; so that the average annual increase of population by immigration has amounted to about one-half of 1 per cent—by no means an alarmingly large admixture of aliens. Immigration from 1840 to 1850 and from 1850 to 1860 and from 1880 to 1890 amounted to more than 10 per cent of the total population at the beginning of each period. Relatively it was twice as great as the immigration of the last five years.

The gentleman from Texas [Mr. DIES] has stated during debate that the Greeks and the South Italians are unassimilable, incapable of conforming to customs in a free republic, and so forth.

I want to quote from Daniel Webster, who in 1823, speaking in favor of recognizing the independence of Greece in the old House of Representatives, now Statuary Hall, said:

An occasion which calls the attention to a spot so distinguished, so connected with interesting recollections as Greece may naturally create something of warmth and enthusiasm. In a grave political discussion, however, it is necessary that those feelings should be chastised. I shall endeavor properly to repress them, although it is impossible that they should be altogether extinguished. We must, indeed, fly beyond the civilized world; we must pass the dominion of law and the boundaries of knowledge; we must more especially withdraw ourselves from this place and the scenes and objects which here surround us if we would separate ourselves entirely from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good—where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence which, if it were now here, on a subject like this would move the stones of the Capitol—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed and that we, like the rest of mankind, are greatly her debtors.

[Applause.]

Now they say we should increase the head tax. And I am reminded of the story of an Irish orator, who was a candidate for Congress, addressing a majority of his countrymen in New York, and he said at that time—some 20 years ago: "They want to make our head tax \$25. My friends, could you picture a man leaving the old country if he had \$25." [Laughter.]

The complaint has been frequently heard during the debate upon this bill that the class of emigrants coming from southern Europe has been largely responsible for the falling off of emigration from western Europe, yet no statistics have been presented by which this contention might be sustained.

On the contrary, many nations are spending large sums of money to encourage what we seek to destroy. A bonus of £1 is paid to the booking agent on each ticket to Canada sold to a British subject who is engaged in the occupation of farmer, farm laborer, gardener, stableman, carter, railway surface man, navvy, or miner, and who signifies his intention to follow farming or railway construction work in Canada.

Not content with the work of regular immigration agents, Canada has been sending agricultural delegates to Great Britain. The Salvation Army is also utilized as an agency to promote emigration to Canada, and grants of money are made to the army for that purpose. Canada annually receives a considerable number of English immigrants, who have been sent by private or State aid from the mother country.

Canada also encourages the immigration of poor and homeless British children to her borders. This immigration is chiefly recruited from the orphan or industrial homes of the British Isles.

An increase in the head tax is proposed in this bill which, while it does not entail a great hardship, is so entirely at variance with methods now in vogue in other countries as to be worthy of serious thought.

The Australian Government furnishes land to settlers at a nominal price, payable in small installments. Moreover, in all



the States except Tasmania allowances are made to settlers for improving their holdings. By way of further inducements, the States pay the passage, wholly or in part, of immigrants from the United Kingdom whose purpose it is to settle on the land or to engage in farming or other work of a similar nature. Assistance is also offered to domestic servants and other persons who can satisfy the Australian agent in London that they would make desirable settlers in Australia. The policy of assisting immigration has been pursued by the several States of Australia for a greater part of the time since their settlement. According to official information 653,698 State-aided immigrants have been admitted to the Australian States.

That all these efforts should have diverted from the United States a part of the British emigration was inevitable, irrespective of any causes originating in the United States. The rise of land values in the United States and the agricultural opportunities of the Canadian Northwest have during the past decade resulted in an emigration of American farmers to Canada.

#### UNEMPLOYMENT.

Members have laid great stress upon the unsupported assertion that immigration has restricted opportunities for employment and has been a contributing factor in the establishment of a low wage scale.

Wages are higher in most industries and workday hours are shorter than ever known in the history of this country, and the majority of men in the labor organizations are either immigrants or the children of immigrants.

Unemployment and immigration are the effects of economic forces working in opposite directions; that which produces business expansion reduces unemployment and attracts immigration; that which produces business depression increases unemployment and reduces immigration.

Yet it may be said that while immigration is not a contributory cause of unemployment, restriction of immigration would nevertheless reduce unemployment. An answer to this argument is furnished by the example of Australia, where immigration does not keep up with emigration, and yet unemployment is an ever-present problem, precisely as in the United States. Australia is a new country, with abundant natural resources. Its area is as great as that of the United States—exclusive of Alaska—while its population at the census of 1906 was a million short of the United States figures for 1800. The Australian statistics of unemployment essentially differ from ours. The Twelfth Census counted all breadwinners who were idle at any time during the 12 months preceding the date of enumeration. The statistics of the New York bureau of labor comprise all wage earners who were unemployed during the first or the third quarter of the year.

The Australian statistics, on the other hand, give the number unemployed on the date of enumeration. A comparison of the Australian ratio of unemployment with the New York ratio must therefore be favorable to Australia and unfavorable to New York. Still the comparison is highly instructive. The Australian ratio in 1901 varied from 3.96 per cent for South Australia to 6.73 per cent for New South Wales. In the State of New York the total amount of unemployment for the three summer months—July, August, and September—fluctuated during the years 1897–1907 between 1.9 per cent and 6.5 per cent. It thus appears that Australia, with an excess of emigration over immigration, is suffering from unemployment at least as much as the State of New York, which is teeming with immigrants.

We are told that the tendency of emigrants to herd in the cities creates a condition worthy of grave apprehension and constitutes in itself a menace, yet the American farmer finds it impossible to keep his own children on the farm.

Labor-saving inventions have so reduced farm labor as to make it unnecessary to employ large numbers of men, except at planting and harvesting seasons, and in consequence employment for a longer period than six months annually is almost unheard of.

The hours of labor on the farms are longer than even in the mills of the United States Steel Co., the prevailing custom being to work from sunrise to sunset, and while it may be argued that this is true only of harvesting and planting time, it is equally true that this is the only season when additional help is required.

Long hours, small pay, and irregular employment are what the immigrant can expect on a farm. His preference for other employment seems to call for no explanation by special racial characteristics; it is merely another illustration of the rule that immigration follows the demand for labor.

In the settlement of agricultural districts a point is reached beyond which any considerable growth of agricultural population is possible

only if there is a change to more intensive forms of agriculture. \* \* \* If there is no such change, the further growth of population must consist in the development of urban or nonagricultural communities.

This point has been reached in the United States. The public domain has practically all passed into private occupation. Land values during the past decade have climbed to unheard-of heights. At the same time western Canada offers to settlers vast areas of public land practically free.

It seems that for some time to come the Canadian Northwest will furnish the same opportunities for extensive agriculture as the Western States did a generation ago. Western farmers find it profitable to dispose of their land in the United States and to take up public land in western Canada. The emigration of American farmers to Canada has reached considerable proportions. In the United States a market for agricultural labor may grow up in the future with the eventual spread of intensive agriculture. But this is a problem for the American farmer to solve. The immigrant should not be burdened with the mission to reform the methods of American agriculture.

At no time in the history of the Republic has prosperity been greater in our agricultural communities than during the last two decades, yet a perusal of statistics discloses the fact that in certain agricultural States there has been a marked falling off in population.

#### Decrease of the population of rural territory, 1900–1910.

State.	Number.	Per cent.
Illinois.....	111,963	7.0
Indiana.....	132,266	9.5
Iowa.....	152,673	12.1
Kansas.....	4,919	.5
Michigan.....	9,946	.8
Missouri.....	133,489	8.0
Ohio.....	98,055	5.3
Wisconsin.....	8,201	.7

Even where the rural population of a State has increased since 1900 the maps given in the census bulletins show a few agricultural counties with a declining population.

This depopulation of rural territory is due to emigration of native Americans of native stock. The figures for 1910 are not as yet available; the census of 1900 recorded in Kansas a loss of 2.8 per cent of the native population of native parentage in settlements of less than 2,500 inhabitants, and in Nebraska a loss of 1.3 per cent of the same element. In New England, New York, and New Jersey the loss was still greater; the maximum was reached in Connecticut, viz, 16.7 per cent.

This bill makes provisions for the entry of the nonproducing class, preachers, teachers, and so forth, and aims to restrict admission of the producing class, despite the fact that the true source of national wealth and prosperity results from the work of those who toil with their hands and brains rather than brains alone.

The population of the continental United States increased between 1890 and 1910 from 63,000,000 to 92,000,000, i. e., 46 per cent. During the same period the production of coal in the United States more than trebled, the increase being from 140,000,000 to 448,000,000 long tons. As the exports of coal from the United States are insignificant these figures indicate that to-day three times as much coal is consumed in this country as 20 years ago. Coal is the foundation of modern industry. The increased consumption of coal indicates that the consumption of steam has increased threefold, i. e., that the whole American industry has grown in proportion. The production of steel, another basic article of modern industry, increased during the 20-year period, 1889–1909, sevenfold, from 3,400,000 to 24,000,000 long tons. The production of copper more than quadrupled, viz., from 101,000 to 488,000 tons. The number of ton-miles of freight carried over American railways nearly trebled from 1890 to 1909, the increase being from seventy-seven billions to two hundred and nineteen billions.

The total amount of bank clearings in the United States likewise nearly trebled in the 20-year period between 1890 and 1910, having grown from \$58,000,000,000 to \$169,000,000,000. The increase in the amount of bank clearings may be accepted as a fair index of the aggregate industrial expansion. Thus, while the economic activities of the people of the United States have trebled during the last 20 years, population has increased by less than one-half.

The introduction of labor-saving machinery has lessened the potential demand for new laborers, yet the pace of industrial development has been faster than the progress, i. e., exactly 100 per cent. The average number of wage earners employed in manufactures increased between 1889 and 1909 from 4,200,000 to 6,600,000, i. e., 57 per cent.



The unbiased testimony of figures shows that the demand for labor within the last 20 years has outrun the growth of population, both through natural increase and through immigration. The investigators of the Immigration Commission sought to ascertain from employers of labor the "reason for employing immigrants," and were told that "they found it necessary either to employ immigrant labor or delay industrial advancement." A number of specific instances are quoted in the commission's reports. In the Birmingham iron and steel district, Alabama, where the number of immigrants is insignificant, "the largest employers of labor state that under normal conditions, at the present stage of the industrial development of the district, the ordinary labor supply which may be relied upon continuously affords about 50 per cent of the total necessary to operate all plants and mines at their full capacity."

In the centers of immigration, on the other hand, the clothing manufacturers likewise claim "that the industry has developed faster than the number of clothing workers has increased." With the revival of business after the depression of 1903, they found it almost "impossible to keep their pay rolls full."

I have here petitions representing the united protest of Irish, Germans, Hebrews, Poles, Italians, Lithuanians, Hungarians, Bohemians, Greeks, Finns, Slavs, and other citizens, representing nearly 500,000 signatures, which I shall present to his excellency, the President, Hon. William Howard Taft. His courageous stand for justice and true American ideals will in my opinion result in a veto of this iniquitous measure, which the good though recently dormant sense of Congress should uphold.

The SPEAKER. The time of the gentleman has expired.

Mr. CURLEY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, may I ask how much time we have used?

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] has used 9 minutes, the gentleman from New York [Mr. GOLDFOGLE] 8½ minutes, and the gentleman from Alabama [Mr. BURNETT] has used 15 minutes and has 12½ minutes left.

Mr. GOLDFOGLE. Is the gentleman from Pennsylvania [Mr. MOORE] about to use some of his time?

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] is recognized for five minutes.

Mr. BARTHOLDT. Mr. Speaker, I am glad that the voice of true Americanism has at last been heard in this House. It has been voiced by that eminent statesman who has been Speaker of this House for four successive terms, and whose leadership on most questions I have had the honor to follow for 20 years. He has just demonstrated by the words he has spoken that he is worthy of leadership even on the question of immigration. [Applause.]

I want to bring out one fact, Mr. Speaker, that has not been stated in this debate, and that is that those districts which receive little or no immigration are voting almost solidly to exclude it, while, upon the other hand, all the districts of the country which receive immigrants are voting almost solidly to continue to receive them. If immigration were an evil would it not, I ask you, find expression in this House on the part of Representatives in the districts which receive immigrants? The great trouble with those who are proposing restrictive measures is that this question is really so little understood. You forget, my friends, that an immigrant is not only a producer but also a consumer, and it was that fact which caused another great Speaker of this House—Thomas B. Reed—to say that every immigrant practically brings his job with him. Whatever vocation he may have, he has a job for those in other vocations, and consequently he practically solves the problem himself, if immigration were still a problem. I claim, however, that it is not. If we get 800,000 immigrants a year do you not know, according to the figures published by the Department of Commerce and Labor, that 400,000 return every year, and that of the 400,000 remaining about 200,000 are women and children, so that practically there is an annual addition of only 200,000 to the population of this country, and that is about the addition that even the most densely populated countries of the earth, such as Germany and England, receive from the outside. Here we have a country with only 25 people to the square mile, while Germany has 386 and Belgium 576.

Talk about stopping immigration at a time when all the industries of the country are crying out for labor! I say that there is no economic reason for this bill, and I can not discover

any motives, except unworthy ones, behind this kind of legislation. I congratulate my friends, the managers of this bill, however, for having seen the error of their ways. When I offered an amendment providing that immigrants should be required to read any language, they insisted it must be the language of some country. They voted my amendment down, but in conference they saw that the amendment was justified. They also voted down my motion to strike out the so-called certificate provision of the bill, but now they present their report with that provision eliminated. If more time were given us, Mr. Speaker, we could probably convince them that the whole bill should be stricken out because its spirit is un-American and vicious and because it is a great blunder from an economic as well as from a moral standpoint.

The SPEAKER. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, will the gentleman from New York [Mr. GOLDFOGLE] use some of his time?

Mr. GOLDFOGLE. I prefer that the gentleman from Alabama use his time.

Mr. BURNETT. We have used more than our share.

Mr. GOLDFOGLE. Then I will yield to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, I simply want to protest with all the force I possess against the passage of this measure. "America for Americans" is an old and familiar cry. I have heard it ever since I have been able to listen to anything going on about me. I was born in New England, and I know the intention of the measure now before the House and the people back of it. It is not to shut out a few unfortunate people who have been deprived of an opportunity to learn to read in the country from which they come. It is simply an entering wedge to bring forth other legislation that has for its object the shutting out of immigrants altogether. And the gentleman from Massachusetts [Mr. GARDNER] told the truth when he said it was only a question of time, in his opinion, until legislation to wholly restrict immigration ought to be brought forward. The fact is that this is a step in that direction. The argument in favor of this bill does not come from people who know anything about immigrants. It comes from people who have no immigration to their districts whatever.

This is a fact, and the further fact is that a lobby representing so-called patriotic organizations has been maintained here in Washington for several years working in every direction that they knew how to bring about restrictive legislation, and this bill is a result of it. I know that the liberty-loving people of America are not in favor of this kind of legislation. I know that the thoroughgoing American interested in the progress and prosperity of our Nation is not in sympathy with any such a movement, and I feel certain that when the motives back of this legislation are fully known by the American people there will be a protest against it from one end of the country to the other.

I represent a district the population of which is made up mostly of immigrants and the children of immigrants. They are industrious, prosperous, law-abiding citizens. They come here to make this country their home, and they are just as much interested in the general welfare of our country as any other class of our citizens. I regret that we are departing from the principles of our forefathers, who proclaimed this to be the land of liberty and freedom, where the oppressed of all nations could find a home. I am sure if the men advocating the passage of this bill lived among these people as I have lived nearly all of my life, knowing them as I do, knowing the efforts they have made to better their conditions, to become upright and honorable citizens, I feel certain they would not be active in advocating the passage of such restrictive legislation. Because men are deprived of an opportunity to gain an education in the country from which they come is it a reason they should be denied admittance here? Will it be contended because a man can not read he will not make a good citizen?

If the object is to shut out undesirable citizens, let us pass legislation that will restrict such immigration. The cunning and crafty schemers will be admitted, but the poor, honest, upright immigrant, because he is unable to read, will be deprived of admittance. Do you wonder, then, that I am opposed to the passage of this bill? I hope and trust it will be defeated. It is un-American; it is undemocratic. It is against those principles that have made this Nation what it is. Has America ceased to be the land of hope, the land of asylum for the unfortunate and oppressed who are seeking liberty and freedom?



If so, pass this bill, and the hour will come when you gentlemen who vote for this measure will be hurled from power with a greater force than that which speeds the waters over the falls of Niagara. [Applause.]

Mr. BURNETT. Mr. Speaker, I yield seven minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Speaker, it has been said by one of America's most distinguished sons, ex-President Theodore Roosevelt, that next to the conservation of our natural resources immigration was our most important national problem. In the minds of many immigration is even more important than conservation, because it goes a long way in settling the kind of people who make up the population of this country now and in the future; and the kind of people there are in a country inevitably determines the kind of citizenship, the kind of government, and the kind of civilization the country has; and the kind of citizenship determines the liberty, the sort of happiness, and the measure of progress which prevail in it. The importance, therefore, of the subject of immigration to this country can readily be appreciated by every thoughtful American. A little history of immigration legislation may not be amiss.

From the first settlement of this country at St. Augustine, Fla., in 1565 down to 1875—more than 300 years—immigrants came here as a matter of course, so far as Federal legislation was concerned. Congress was forbidden by the Constitution of the United States to interfere, prior to 1808, with any State's right to admit all the immigrants it saw fit, except Congress might impose a tax or duty not to exceed \$10 on each person admitted. Practically up to 1835 the only legislation enacted by the Federal Government, and practically all that was proposed, was the law of 1819, regulating steerage passengers at sea and making provision for recording statistics relative to immigrants to this country. None was kept before this. Profs. Jenks and Lauck, in their book, 'The Problem of Immigration,' say, on page 41:

In earlier days neither the Federal Government nor State governments had passed any laws to protect the United States against the immigration of undesirable persons of whatsoever kind. Even the energetic action of those promoting the so-called "Native American," or "Know-Nothing," movement from 1835 to 1860 resulted in no protective legislation. In 1866 a joint resolution [of Congress] condemned the action of Switzerland and other nations pardoning persons convicted of murder or other infamous crimes on condition that they would emigrate to the United States.

So up to this time all that was done to prevent even murderers from coming to this country was just to pass a resolution condemning such things; but that did not prevent them from coming.

From 1835 to 1860 the subject of immigration to this country was much discussed, and there sprang up what was known as the "Native American" and "Know-Nothing" movements, largely basing their opposition to immigrants to this country who embraced the Catholic faith. These movements soon assumed the form of a political organization known in history as the American Republican Party, and later the Know-Nothing Party. As a result of these organizations—organizations in the main later affiliating with the new political movement—the United States Senate in 1836 passed a resolution directing the Secretary of State to collect information respecting the immigration of foreign paupers and criminals to the United States.

The House of Representatives in 1838 agreed to a resolution instructing the Judiciary Committee of the House to consider the propriety of passing a law prohibiting the importation of vagabonds and paupers into this country, as well as to consider the expediency of making our loose naturalization laws more stringent. This resolution was referred to a committee of seven members, and their favorable report was the first congressional report ever made concerning any phase of the immigration question. A bill was introduced in Congress, upon the recommendation of the majority report of the committee, which provided that any master of a vessel who took on board an alien passenger who was an idiot, lunatic, maniac, or one afflicted with an incurable disease, or one convicted of an infamous crime, with the intention of transporting such person to the United States should, upon conviction, be fined \$1,000 or be imprisoned from one to three years. This bill was not even considered by Congress, and then for some 10 years following little attempt was made to secure immigration legislation; but the great increase in immigration to this country from Europe from 1848 to 1850 put new life and fears in the breasts of those fighting immigration, and it is recorded that in 1855 both the governors and legislatures of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, California, and Kentucky were "Know-Nothings." The slogan of the "Know-Nothing" Party was that Americans must rule America, and their greatest strength was in the Thirty-fourth Congress, from 1854 to 1856,

when they claimed 43 Representatives and 5 Senators. Ten years later, however, in the Thirty-eighth Congress, from 1864 to 1866, there was not a "Know-Nothing" Representative in the House, and the "Know-Nothing" Party disappeared without having accomplished anything against immigration. The truth is that in 1864 Congress passed a law to encourage immigration, especially the importation of contract labor. This law was repealed, however, in 1868, leaving on the statute books the act of 1819, amended slightly by the acts of 1847 and 1848, providing improved conditions in the steerage of immigration ships. The law of 1864 stands out as the only attempt on the part of the National Government to promote immigration. New York in 1824 passed a law requiring all masters of vessels arriving at the port of entry to make a written report giving the name, age, and last residence of every person on board during the voyage, and whether any of the passengers had gone on board any other vessel, with a view of proceeding to New York.

Another section of the law gave the mayor of New York City the power to require bond of every master of a vessel to indemnify the mayor and the overseer of the poor from any expense incurred for passengers brought in and not reported. This law was held to be constitutional by the Supreme Court of the United States, and in 1829 the State of New York passed another law, which provided that the master of every vessel arriving from a foreign port should pay to the health commissioner \$1.50 for every cabin passenger, \$1 for every steerage passenger, mate, sailor, or marine, and 25 cents for every person on a coasting vessel.

In 1837 Massachusetts passed a law requiring the owner of a vessel to pay \$2 for each alien passenger brought to her ports and to give bond that certain immigrants should not become a public charge. Both the New York and the Massachusetts statutes were later held in part to be unconstitutional. California and Louisiana passed statutes looking to the limitation of immigration, which were held to be unconstitutional. In California the question of Chinese immigration became so acute that recourse was had to the Federal Government, which resulted in the Burlingame treaty, which was proclaimed on July 28, 1868, and which was the first treaty to deal with Chinese immigration to the United States. The attitude of the United States in this treaty toward Chinese immigration was not popular in the Pacific Coast States, and they continued their agitation for further restriction of Chinese immigrants, which resulted in the Congress of the United States passing the act of March 3, 1875, aimed at immigrants from China, Japan, and other oriental countries. This law prohibited the importation of convicts, women for immoral purposes, coolie labor, and Chinese and Japanese subjects without their free and voluntary consent, and fixed heavy penalties for a violation of the provisions of the statute. Later other treaties and Chinese and Japanese exclusion acts forbade the immigration of Chinese and Japanese to this country, as well as Korean laborers, skilled or unskilled. And that is the way the matter stands to-day. So the bill now before the House is not intended to exclude Chinese, Japanese, or Korean laborers, skilled or unskilled, as that is already provided for.

From the unsatisfactory attempt of State legislation on the immigration question it became apparent that the subject was too big for State control, and in a very unusual decision of the Supreme Court of the United States on March 20, 1876, that court decreed:

We are of the opinion that this whole subject [of immigration] has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our laws, State or national; that by providing a system of laws in these matters applicable to all parts and to all vessels a serious question which has long been a matter of contest and complaint may be effectually and satisfactorily settled.

This decision virtually put the subject of immigration under Federal control, and on July 6, 1876, following the decision of the Supreme Court in March of that year, Senator Conkling and Representative Cox of New York introduced bills in Congress for the national regulation of immigration. No legislation, however, of this sort was put on the statute books until August 3, 1882. This law provided, among other things, that a head tax of 50 cents each be levied on all aliens entering the ports of the United States to defray expenses of regulating immigration and caring for needy immigrants after landing; that lunatics, idiots, convicts (except for political offenses), and persons likely to become public charges should not be permitted to land, and that the Secretary of the Treasury be charged with executing the provisions of the act, and that he be empowered to enter into contracts with such States-officers as the governor of any State might designate to take charge of the local affairs of immigration within such State.

On February 26, 1885, the first act of Congress was approved, forbidding the importation of contract labor to the United



States. This law was defective in that no arrangement was made for its general execution, no inspection of the alien was provided for, nor deportation of the contract laborer, if found so to be. This act, however, was amended by an act of February 23, 1887, which gave the Secretary of the Treasury authority to deport within one year from landing any alien who had come to this country contrary to the provisions of the contract-labor act.

In 1889 a standing Committee on Immigration was established in the Senate of the United States and a select Committee on Immigration and Naturalization was established in the House.

In 1890 these committees were authorized to make a joint investigation of the immigration question, and especially to look into the various State laws on the subject. These committees, in making their report, suggested that while no very radical changes in the immigration laws were at that time advisable, still they found that throughout the country there existed a strong sentiment for a stricter enforcement of these laws.

The fact is that in the year 1890 one or more political parties in 23 different States demanded additional regulation of immigration. Responsive to this demand for stricter immigration laws and regulations the Congress of the United States passed, and it was approved on March 3, 1891, an additional immigration act amendatory of previous acts. This act added to the list of aliens heretofore excluded those "suffering from a loathsome or contagious disease," "polygamists," and those "whose ticket or passage is paid for with the money of another or who is assisted by others to come," except, however, that any person living in the United States could pay the way of a relative or friend, provided, of course, that the relative or friend did not belong to some of the excluded classes. This act strengthened further the existing contract-labor law by prohibiting the encouragement of immigration by promises of employment through advertisements published in any foreign country, and steamship companies were forbidden under penalty to solicit or encourage immigration.

The law of 1891 also created the office of Superintendent of Immigration, and instead of some State officer, by appointment of the governor, having charge of the execution of the immigration laws in that State, as provided for in the act of 1882, the whole question of immigration for the first time was completely under Federal control.

This act also provided that the commanding officer of every vessel carrying aliens to our shores should furnish to the proper immigration officials the name, nationality, last residence, and destination of all immigrants on board; that medical examination of immigrants at United States ports should be made by surgeons of the United States Marine-Hospital Service, and within one year after arrival any immigrant might be returned who had come to this country in violation of law, and that, too, at the expense of the transportation company that brought him. It was not until 1907, however, that steamship companies were required to keep a record of outgoing passengers.

For the first time inspection of immigrants on the Mexican and Canadian borders was established. While this was the most stringent immigration act passed by Congress up to this time still the subject of immigration continued to be much discussed, and a strong movement for further restriction developed, owing largely to the industrial depression from 1890 to 1896. Investigations more or less extensive were conducted by joint committees of Congress and also by the Industrial Commission. In 1894 an act was passed raising the head tax from 50 cents to \$1, but President Cleveland vetoed another bill passed by both branches of Congress providing for a literacy test.

Based upon the report of the Industrial Commission made to Congress February 20, 1902, a bill was introduced in the House providing for a complete codification and rearrangement of all immigration acts from March 3, 1875, to the act of 1894. An amendment was offered to this bill and passed by the House by a vote of 86 to 7 providing that all persons over 15 years of age who were unable to read the English language or some other language should be excluded, making an exception in favor of wives, parents, grandparents, and children under 18 years of age. The bill so amended passed the House May 27, 1902. When it reached the Senate it eliminated the educational test, raised the head tax from \$1 to \$2, and made it unlawful for any person to assist in the entry or naturalization of alien anarchists. The House agreed to these amendments, and the bill was approved by the President March 3, 1903.

It was not until February 20, 1907, that any other immigration act of much import was passed by Congress, although by an act of February 14, 1903, the Department of Commerce and Labor was established and the Commissioner General of

Immigration was placed under that department, his official position being that of a head of a bureau. On June 29, 1906, the Bureau of Immigration was changed to the Bureau of Immigration and Naturalization; a uniform rule for the naturalization of aliens was provided for, and the administration of the new naturalization law was charged to this bureau.

A little history of the immigration act of February 20, 1907, the latest now on the statute books (with a small amendment of March 26, 1910), and the one sought to be amended by the bill we are now considering, may not be amiss:

A bill introduced by Senator DILLINGHAM, of Vermont, was favorably reported by the Senate committee on March 29, 1906. This bill sought to amend the immigration act of 1903 by increasing the head tax from \$2 to \$5. Imbeciles, feeble-minded persons, children under 17 years of age unaccompanied, and persons "who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of such a nature which may affect the ability of such alien to earn a living," were added to the excluded classes. The section of existing law excluding prostitutes was amended by adding: "Women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose."

A division of information was created in the Bureau of Immigration and Naturalization, and steamship companies were for the first time required to furnish to the proper immigration officials lists of outgoing passengers. In the Senate the bill was amended by the insertion of a literacy test very similar to the one this House is now considering and which I will later quote, and the Senate bill as amended by the literacy test passed the Senate May 23, 1906. When the bill reached the House it was referred to the Committee on Immigration and Naturalization, and they amended it by substituting one of their own in many respects similar to it, including the literacy test. In the conference between the House and Senate conferees the head tax was made \$4 and the other amendments were agreed to except the literacy test was eliminated, and a commission composed of nine members was authorized to make a complete investigation of the immigration question and report its findings to Congress. The bill as amended became a law February 20, 1907. Composing this commission, which I have referred to, were to be three Members of the House appointed by the Speaker, three Members of the Senate appointed by the President of the Senate, and the other members of the commission to be appointed by the President of the United States. This commission, after an extensive investigation both in this country and in Europe, costing \$1,000,000 and covering a period of four years, made a voluminous report, embracing 42 volumes of printed matter, covering all phases of the immigration question. This commission, after a most thorough investigation of the immigration question, found certain facts to exist and made some specific recommendations to Congress.

In the first place, the commission found that there were too many immigrants coming to this country; that there is now an oversupply of unskilled labor in the basic industries of the United States; that restrictive legislation ought to be passed by Congress; and that the literacy test was the best single method of accomplishing the desired end. Let me quote the exact words of the commission:

The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in industries of the country as a whole, a condition which demands legislation restricting the further admission of such unskilled labor. It is desirable in making the reduction that a sufficient number be debarré to produce a marked effect upon the present supply of unskilled labor.

Even the Hon. William S. Bennet, the only dissenting member from any of the findings of the commission, concurred in this in his minority report. He said:

A slowing down of the present rate of the immigration of unskilled labor is justified by the report.

And after enumerating more than a half dozen ways by which this reduction could be brought about the commission added:

A majority of the commission—eight out of the nine—favor the reading-and-writing test as the most feasible single method of restricting undesirable immigration.

And this is not a partisan political report for political purposes. It is a report by men of both parties after a most careful and painstaking investigation. The fact is that the question of immigration is not a political one.

I have briefly reviewed the legislation on this question, and before taking up and beginning to discuss the merits of the bill now pending before this House I want to adduce some proof to show that the question is nonpolitical and that restrictive legislation has been demanded in the national platforms of the two dominant political parties in this country. Away back in

1896, more than an eighth of a century ago, when the evils of immigration were not so great and not so well known as now, the Republican Party, in its national platform of that year, not only demanded a restriction of immigration but specifically indorsed the reading-and-writing test as a means to accomplish that end. The plank in the platform to which I refer is as follows:

For the protection of the quality of our American citizenship and of the wages of our workmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

This is one of the planks in the platform upon which the beloved McKinley was elected, and in his inaugural address he specifically indorsed the immigration plank and recommended an educational test to alien immigrants, to the end that American citizenship be protected and American institutions preserved.

In the Republican national platform of 1900 we find this language:

In the further interests of American workmen we favor a more effective restriction of the immigration of cheap labor from foreign lands—

And so forth.

In his first message to Congress, in 1901, ex-President Roosevelt indorsed unequivocally the restriction of immigration and an educational test. He used this pointed language:

The second object of a proper immigration law ought to be to secure a careful, and not merely perfunctory, educational test—some intelligent capacity to appreciate American institutions and act sanely as American citizens.

The Republican national platform this year—1912—the latest expression of the party on the subject, reads as follows:

We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration, which is inimical to the progress and welfare of the people of the United States.

That the Republican Party stands for a restriction of immigration there is no room to doubt.

The Democratic Party, too, has put itself on record in regard to this great question. In its national platform of 1896 it uses this language:

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

In its national platform of 1900 the Democratic Party, while inserting no plank upon the general subject of immigration, indorsed the Chinese exclusion law and recommended its application to the same classes of all Asiatic races.

The Democratic national platform of 1904 contained no plank upon the general subject of immigration, but did specially oppose the admission of Asiatic immigrants, in this language:

We are opposed to the admission of Asiatic immigrants who can not be amalgamated with our population.

The Democratic national platform of this year—1912—indorses more stringent immigration laws.

This is the latest expression of the Democratic Party on this important subject of immigration. Not only have the two dominant political parties in this country repeatedly expressed themselves in their national platforms in favor of restricting immigration, but the Republican platform of 1896 and the Republican President elected upon the Republican platform of 1900 have in express terms favored the literacy test; such a literacy test, in substance, that we are now considering, which is the crux of the bill before us, although it contains many other salutary provisions. And what is that literacy test and what are the terms of the bill now before us? Before the adjournment of the second session of the Sixty-second Congress the Senate of the United States passed, on April 19, 1912, an immigration bill known as the Dillingham bill, which covered many phases of the immigration question. That bill was sent over to the House on April 20, 1912, and referred to the Committee on Immigration and Naturalization. For reasons which will appear later the House committee amended the Senate bill by striking out all of it except the enacting clause and substituted and passed the Burnett literacy bill. The matter went to conference the second time, and a majority of the second conferees, both on the part of the House and the Senate, agreed upon a report which was made to the House on yesterday eliminating the penal certificate, or certificate of character, test as embodied in the first report.

In the statement accompanying the report to the House is found this language:

The Senate having disagreed to the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference committee.

The conference committee has rearranged and recodified the entire immigration laws, all of which are now before the House

for consideration. Other than adding the literacy test as contained, in substance, in the Burnett bill, which lately passed the House, the other most important amendments are as follows:

First. The head tax per alien immigrant has been increased from \$4 to \$5.

Second. The exclusion of aliens not eligible for naturalization.

Third. The deportation of aliens who become criminals within three years subsequent to entry.

Fourth. Providing for interior immigrant stations.

Fifth. Providing against the illegal entry of seamen and stowaways.

Sixth. Providing more severe penalties for transportation lines which violate the law against advertising for immigrants and which bring to the United States aliens who are ineligible to enter.

The literacy-test provision is the most important change proposed in the law, most of the others being administrative changes. For the purpose of getting clearly before the House just the class of aliens who will be excluded from admission into the United States if the conference report becomes a law, I will quote section 3 of the report, amendatory of previous acts, which now embraces all the classes intended to be excluded:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarcation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular lan-



guage or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case, but such determination shall not become final until a period of 30 days has elapsed. Within three days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing, and his determination thereon, in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States, to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit, or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

Nor shall it apply to persons of the following status or occupations:

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

It will be noted that this bill adds to the classes heretofore excluded—

Aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish.

Provision is made, however, that any alien legally, or hereafter legally, admitted to the United States may send for his father or mother, grandfather or grandmother, wife or daughter, whether they can read or write or not. "Vagrants" and "stowaways" are added to the excluded lists. So are those "who disbelieve in or are opposed to organized government"; also "persons who are members of or affiliate with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals, or officers generally, of the Government of the United States or of any other organized Government because of his or their official character."

Also contract laborers who have been "assisted" or "encouraged" to migrate to this country by offers or promises of employment, "whether such offers or promises are true or false"; also "persons who have come in consequence of adver-

tisements for laborers printed, published, or distributed in a foreign country"; also "persons who have been deported under any of the provisions of this act and who may again seek admission within one year from the date of such deportation," unless the Secretary of Commerce and Labor gives his consent thereto. The act of February 20, 1907, applied only to contract laborers who had been deported.

Also "persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports or by treaties, conventions, or agreements that may hereafter be entered into."

It will be seen that this proposed new measure adds quite materially to the excluded classes of aliens under the provisions of the act of February 20, 1907. As to the justice of the most of them, however, there is not much room for argument or contention. Most of the opposition argument on the floor of this House has raged around the literacy test.

And since the literacy test is the one most objected to, and since it is conceded to be more efficacious in restricting immigration to this country than all the other new provisions put together, I will address myself first to its consideration—or, rather, to a resumption of its consideration—together with the general subject of restriction of immigration.

This literacy test, for the purpose of preventing objectionable foreigners from coming to this country, is not a new proposition, as I have already observed. Not only have political parties in their national platforms especially declared for it, but Congress itself has several times unequivocally indorsed it.

The House, in the Fifty-fourth Congress, passed such a measure by the decisive vote of 195 to 20, while the Senate passed it by a vote of 52 to 10.

That literacy test bill would have become a law but for the veto of President Cleveland.

In the Fifty-fifth Congress an immigration bill again passed the Senate, which carried a literacy test provision, by a vote of 45 to 28.

In the Fifty-seventh Congress an illiteracy test amendment to an immigration bill passed the House by the sweeping majority of 87 to 7.

The fact is that at no time in the history of the country has a literacy test provision in any immigration bill ever been defeated by either House of Congress. Upon the contrary, such a provision has invariably been passed by decisive majorities when the question was submitted to a vote.

And the various votes by both Houses of Congress on this subject is but a reflection of public opinion on the question.

Not all the newspapers, periodicals, and magazines of the country favor this legislation, but I think I am safe in saying that the bulk of the press do favor it. At any rate, a majority of the people favor it.

Resolutions, petitions, and memorials have poured in upon Congress expressing their views and making known the wishes of large and representative bodies of our citizenship on this momentous and far-reaching question.

The legislatures of the great States of Ohio, Pennsylvania, Tennessee, Vermont, and others have specifically indorsed the literacy test, while twenty and odd others have memorialized Congress to pass more stringent immigration laws.

The various farmers' organizations throughout the length and breadth of the land, the great labor organizations all over the country, the patriotic societies, powerful bodies representing charity, commerce, and the like have upon divers occasions passed resolutions memorializing Congress to enact a law embodying an educational test and more stringent immigration laws.

There are a greater number of the people of the United States engaged in agriculture than in any other calling. At the last National Farmers' Congress they passed the following resolution:

Whereas the Congressional Immigration Commission's report of 40 volumes has just been published, and recommends the very measures which this organization has been advocating in its resolutions for years to judiciously restrict undesirable immigration:

*Resolved*, That we enthusiastically approve the commission's legislative recommendations that the head tax be increased, the illiteracy test be enacted, that foreign steamships be fined for bringing undesirable, and that other judicious measures be adopted, which are hereby urged upon the Congress of the United States.

The Farmers' Educational and Cooperative Union has a membership of over three million. This is possibly the most powerful in point of members and influence of any of the farmers' organizations in this country. This organization has been much interested in restrictive immigration laws and has frequently indorsed the literacy test.

The American Federation of Labor, the largest labor organization in this country, has for years at its annual gatherings

been passing resolutions and petitioning Congress to pass more strict immigration laws, and it has specifically indorsed the educational test—in substance the test we are now considering.

The grand International Brotherhood of Locomotive Engineers, the Junior Order of United American Mechanics, the Knights of Labor, and other organizations have repeatedly passed resolutions specifically indorsing the literacy test and memorializing Congress to make it a law.

In 1909 the American Federation of Labor at its annual gathering passed the following resolution:

Whereas the illiteracy test is the most practical means of restricting the present stimulated influx of cheap labor, whose competition is so ruinous to the workers already here, whether white or foreign born:

*Resolved by the American Federation of Labor in twenty-ninth annual convention assembled, That we demand the enactment of the illiteracy test, an increased head tax, and the abolition of the distribution bureau.*

Samuel Gompers is the president of this organization. He appeared before the House Committee on Immigration and Naturalization on February 29, 1912, and among other things declared that the American Federation of Labor had advocated the literacy test for years and years; that the Immigration Commission had but emphasized the foresight of their organization in taking such position; that most of the immigration to this country is not of its own free will and accord, but that it is "stimulated" by "the captains of industry" and by the "allurements of the shipping companies"; that the "captains of industry" wanted "low-priced, docile labor" and the shipping companies wanted transportation—wanted business; that something "must be done to further limit immigration"; that the great horde of "docile illiterate" immigrants coming yearly to our shores, especially those willing to work for most any wage, was largely responsible for many of the untoward conditions and serious problems now confronting the American wage earner; that "in the iron and steel industry"—that is, in the making of iron and steel—the percentage now of foreign workers is about 75 per cent; that "they work 7 days in the week, 12 hours a day, and 365 days in the year," and that "the percentage of foreign-born workers in the woolen trade is 85 per cent"; that they displaced the American laborer, reduced the American wage, and lowered the standard of American life; that a large percentage of them when employed would for years "suffer indignities and privations and then in sheer desperation, disregarding all rules of order and precedence in the orderly conduct of relations between employers and employees, rush out on a strike."

I have quoted at length the views of Mr. Gompers on immigration, because he is the president of the most effective and powerful labor organization in this country, and is known and regarded as one of the truest and most able champions of labor in the Western Hemisphere, if not in the entire world. Mr. Gompers knows, as few men know, what this tremendous and never-ceasing flow of alien immigrants means to the American wage earner, both native and foreign born.

John Mitchell, formerly head of the mine workers in the United States, and at present one of the vice presidents of the American Federation of Labor, and widely known for his breadth and depth of thought on labor and social problems, said:

The American workman recognizes the necessity of reasonable restriction upon the admission of future immigrants. He fails to see the consistency of a legislative protective policy which does not at the same time it protects industries give equal protection to American labor.

That is sound argument; that is good Republicanism.

And what are the reasons for this widespread interest in favor of stricter immigration laws? Why has the American Congress from 1819 to 1907, as I have pointed out, been adding one restriction after another to the continued stream of immigrants flocking to our shores? Why have the framers of the Burnett and Dillingham bills, the conference report we are now considering, added very materially to the excluded classes of aliens as provided for in the act of February 20, 1907? It is because the people of this great country have slowly but surely been waking up to the imminent dangers to themselves and their institutions lurking in the ever-increasing tide of undesirable immigrants drifting to our shores.

Even under the operation of what was called "the stringent immigration act" of February 20, 1907, there have reached the United States every year since its enactment in the neighborhood of 1,000,000 alien immigrants, from 30 to 40 per cent of whom can neither read nor write.

Mr. Speaker, the gentleman from Massachusetts [Mr. CURLEY] said that this was largely an economic question. I am glad to be able to agree with the gentleman in part on that proposition. It is largely an economic, social, and moral question. The truth is that immigrants have been flocking to the American

shores, as I have said, at the rate of about 1,000,000 a year, and now in the great basic industries of the country foreign labor is largely employed. In the iron and steel industry of the United States there is now employed 75 per cent of foreign-born laborers. In the woolen industry of this country there is employed 75 per cent of foreign-born laborers. In the oil refineries of this country 75 per cent of the wage earners are of the immigrant class. In the slaughtering and meat-packing business of the United States 75 per cent of the wage earners are of foreign birth. In the furniture factories, in the leather tanneries, in the woolen and worsted trades, in the bituminous coal mines, and in railroad and construction work 75 per cent of the men now employed in those industries in the United States are not merely of foreign descent, but actually born abroad, and in a large part of these industries there is now less than 10 per cent of native Americans employed.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield for a question?

Mr. POWERS. I yield.

Mr. BARTHOLDT. Are not the facts that the gentleman cites really an argument against this bill? Do they not show that these men are earning their bread in the sweat of their brows and by honest employment?

Mr. TOWNER. And adding to the wealth of the country?

Mr. POWERS. An argument against this bill? They show conclusively that native Americans have been crowded out of employment by the immigrants from foreign shores; that native Americans have not been able to compete with the wages and standard of living that is brought in here from abroad and practiced by the immigrants, especially from southern and eastern Europe, who work at a low wage and live largely—many of them—on bologna sausages, bread, and macaroni, as is stated by Profs. Jenks and Lauck, high authorities on this question. The American standard of living and of wages have been lowered to such an extent that an American can not compete with that sort of business.

If it is all right and proper for alien immigrants to crowd our native American wage earners and laborers out of employment by low wages and low standards of living, it would be equally all right and proper for them to crowd all other Americans out of their places, and let this country be turned over to foreigners to own, rule, and control.

With all due respect for the opinion of the able Member from Missouri, I can not concur in that character of logic. As has been suggested, the industrial phase of the immigration question is one of far-reaching importance. It is indisputably true that in many of the basic industries in this country the native-born American wage earners have been driven out of employment by the illiterate, non-English-speaking immigrants from southern and eastern Europe, while the American standard of living has received a staggering blow at their hands.

The Commissioner General of Immigration in his annual report for 1911 said:

A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining industries of the Eastern and Middle States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

Profs. Jenks and Lauck, who were appointed by the President on the Immigration Commission and who have given much study to this question, and who boiled down the substance of the commissions report and investigations in their splendid volume entitled "The Immigration Problem," said on page 135:

In most of the principal branches of the industries the native American and immigrant employees from Great Britain have, to a large extent, especially in the unskilled occupations, been displaced by recent immigrants from southern and eastern Europe and the Orient.

On page 136, same book:

It was found that only one-fifth of the total number of wage earners in 38 of the principal branches of industry were native white Americans, while three-fifths were of foreign birth. Almost one-half of all the wage earners were from southern and eastern European countries.

On page 137, same book, they say:

More than three-fourths of the iron and steel workers, employees of oil refineries, slaughtering and meat-packing establishments, furniture factories, leather tanneries and finish establishments, and woolen and worsted goods and cotton-mill operatives, together with two-fifths of the glass workers, one-third of the silk-mill operatives, and glove factory employees—

were of foreign birth.

On page 140, same book:

The reason for the employment of recent immigrant wage earners in the United States was primarily the inability of the manufacturers and mine operators to secure such labor at the same wages.

On the same page:

It may be said in general that the recent immigrant wage earners from the south and east of Europe are found on the lowest level of the industrial scale.



On page 167, same book:

Disregarding geographical lines, it may be said in general that foreign-born wage earners constitute slightly more than three-fourths of the entire number of persons engaged in railway and other construction work. Native white Americans and native negroes each make up about one-tenth of the working forces.

On page 168:

In all sections of the country the south Italians form the highest proportion of laborers employed on railroad-construction work.

On page 270, same book:

The great mass of foreign-born workmen remain in the ranks of unskilled laborers.

Mr. John A. Fitch, in his book "The Steel Workers," says that at the Carnegie Steel Co. plants, where there are employed 23,337 men, only 5,705 were native-born white Americans, the remainder being foreigners, of whom over 14,000 were unnaturalized, and about 8,000 of whom could not speak English.

In the great cities of New York, Chicago, Baltimore, Philadelphia, and Rochester there is manufactured about 70 per cent of the total product of men's ready-made clothing in the United States. More than 50 per cent of the workers engaged in this industry in these cities are women. Less than 10 per cent of them are native-born Americans, and 75 per cent of them can not speak English. The average weekly wage of these workers is \$3.72.

Seventy-five per cent of the wage earners employed in the basic industries of this country are either foreigners or foreign born. Profs. Jenks and Lauck, in their book "The Immigration Problem," on page 283, say:

A number of cities show a very high percentage of pupils with foreign-born fathers. In New York City 71.5 per cent have foreign-born fathers; in Chicago 67.3 per cent; in Boston 63.5 per cent.

This shows to what extent foreign immigrants have taken possession of our large cities.

Lawrence, Mass., is the center for the manufacture of woolsens and worsteds. It has a population of 85,000. More than 73,000 of its inhabitants are foreigners and less than 12,000 are Americans. There are employed in the manufacture of woolsens and worsteds in this city about 30,000 workers, 92 per cent of whom are foreign born. They live in segregated colonies, separate and apart from our people. Fifty per cent of them not only can not read English but can neither read nor write in any other language.

In an article written not long ago by the Secretary of the United States Immigration Commission and published in the North American Review is found this language:

The term American wage earner is rapidly becoming a misnomer. Almost three-fourths of the employees of the principal branches of manufacturing and mining in the United States at the present time are of foreign birth.

This does not include those born in this country, but of foreign parentage. The secretary of the commission continues:

Only about one-fifth of the total number of wage earners were born in this country. \* \* \* Among bituminous coal and iron mine workers less than one-tenth are native Americans. The fact of great import in connection with the situation is that about one-half of the industrial workers of foreign birth are southern and eastern Europeans and Asiatics, principally representatives of the north and south Italians, Poles, Greeks, Slovenians, etc. There is no manufacturing city or town or any mining community of any importance in the Middle West, New England, and the Middle States which has not a foreign section made up of industrial workers from southern and eastern Europe. \* \* \* There has been a distinct segregation of the immigrant and the native American population, and there is little contact or association beyond that rendered necessary by business or working relations.

This statement on the part of the secretary of the Immigration Commission is merely corroborative of the data and facts gathered on this subject from a good many sources.

Mr. BARTHOLOTT. Mr. Speaker, will the gentleman yield for a further question?

The SPEAKER. Does the gentleman yield?

Mr. POWERS. I yield.

Mr. BARTHOLOTT. Does the gentleman know of any native Americans who are out of employment? If he does, I wish he would send them to St. Louis, where employment will be found for all of them. [Applause.]

Mr. POWERS. In answer to the question of the distinguished Member from Missouri [Mr. BARTHOLOTT], I will say that the act of February 20, 1907, created an Immigration Commission to study this question from every conceivable standpoint, and after having devoted four years to extensive investigation, both in this country and in Europe, at an expenditure of \$1,000,000 that commission came to the unanimous conclusion that there was an oversupply of unskilled labor in this country. [Applause.] Even the Hon. William S. Bennet, the only mem-

ber of the commission who handed down a dissenting opinion at all, agreed with the majority that there was an oversupply of unskilled labor in this country, and it is indeed a very cheap labor and goes largely to our industrial centers.

Profs. Jenks and Lauck, in their book, page 26, speaking of the immigrants coming to this country, say:

They find that our supply of free agricultural land is practically taken up, that there is a strong demand for their labor, especially in our mining and manufacturing centers, at wages much higher than any that they have known in their own country, although they may be low when compared with the American standard.

On page 169, same book, they say:

A study of more than 5,000 wage earners in all sections of the country showed that the average daily earnings of native white Americans were \$2.43 and of immigrants \$1.68.

Respecting the cost of living the same authors, on page 174 of their book, say:

The cost of living is about \$10 per man for the Croatians for a month and the same for the Slovaks, and from \$5 to \$7 for the Italians. The Italians live mainly upon bread and macaroni and bologna sausage, which accounts for the extremely low cost of their maintenance.

Speaking of the amount of money brought into this country by the south and east European immigrant per person and his necessity to take employment at low wage in this country these same authors, on page 183 of their book, say:

During the past eight years the average amount per person among these immigrants has been about one-third as much as among immigrants from northern and western Europe. Consequently, finding it absolutely imperative to engage in work at once, they have not been in a position to take exception to wages or working conditions, but must obtain employment on the terms offered or suffer from actual want.

On page 195 of the same book is found the following:

The low standards of the southern and eastern European, his ready acceptance of a low wage and existing working conditions, his lack of permanent interest in the occupation and community in which he has been employed, his attitude toward labor organizations, his slow progress toward assimilation, and his willingness seemingly to accept indefinitely without protest certain wages and conditions of employment have rendered it extremely difficult for the older classes of employees to secure improvements in conditions or advancement in wages since the arrival in considerable numbers of southern and eastern European wage earners.

America is being filled up with people from other countries in such numbers and in late years of immigrants of such a character that it is impossible to assimilate them, and America is gradually but surely being foreignized.

It will be remembered that there were no statistics kept of alien immigrants to this country until 1819. From that year down to now the increase has been tremendous and the character of the immigrants has undergone a marked change. Let us first look into the number and then the character of the immigrants that have been coming to this country.

From 1820 to 1830 there arrived on our shores 143,439 immigrants; from 1830 to 1840, 599,125; from 1840 to 1850, 1,713,351; from 1850 to 1860, 2,589,214; from 1860 to 1870, 2,314,824; from 1870 to 1880, 2,812,191; from 1880 to 1890, 5,246,613; from 1890 to 1900, 3,844,420; from 1900 to 1910, 8,795,386, while in 1911 there arrived in that one year 878,587. A glance at these figures will show the tremendous increase in immigration to this country. The first decade that has any record of immigrants coming to this country, the decade from 1820 to 1830, shows that there were only 143,439 immigrants admitted to the United States, while during the last decade, the decade from 1900 to 1910, there were 8,795,386, more than five times as many, although from 1820 to 1830 there was no Federal law on the statute books really seeking to restrict immigration and no law on the statute books really attempting to regulate it or any part of it, except the act of 1819, which regulated in a way the steerage passengers at sea.

From 1900 to 1910, when nearly 9,000,000 alien immigrants were admitted to this country, there were on the statute books pretty stringent immigration laws, as is shown by an examination of the immigration acts of March 3, 1891, and February 20, 1907, the one now sought to be amended. The passage of the literacy test bill will curtail annually by some 200,000 the influx of immigrants to our shores. The Immigration Commission in a unanimous report—those in favor of the literacy test and those opposed to it—declared that there were too many immigrants coming to this country, and that their number ought to be materially curtailed. The question is, How should it be done?

As I said in a speech a few days ago, the immigration to this country naturally divides itself into two great groups: Those coming before the year 1880 and those coming after that time. Up to 1880 the bulk of the immigrants to this country came from western and northwestern Europe, from such countries as Great Britain, Germany, Norway, and Sweden. Since 1880 the character of the white immigrants to this country changed so

rapidly that in 1907 71.3 per cent of such immigrants came from southern and southeastern Europe and western Asia.

Profs. Jenks and Lauck, in their book, on page 128, say:

The members of the old immigration, generally speaking, came much more generally in families, with the evident purpose of making America their permanent home, than do the members of the new immigration.

And on page 272 of the same book is found this statement:

Of the total number of industrial workers studied by the Immigration Commission who had a residence of five years to nine years (in the United States), only 6.2 per cent were fully naturalized, as compared with a degree of citizenship of 56.9 per cent of those with a period of residence from 10 years or over.

They go on to say that only 30.1 per cent of the southern Italians have either been naturalized or have taken out first papers looking to that end.

The bulk of the old immigration was similar in instincts and civilization to our own, and readily assimilated with it, and at once became a splendid type of American citizenship. Profs. Jenks and Lauck, speaking of the characteristics of the recent immigrants, say, on page 170 of their book:

Fifty-five per cent of the immigrant wage earners were married, but more than three-fourths of these had left their wives and families in their native countries.

On the same page they say:

As regards the small extent to which the southern and eastern Europeans exhibit any tendency toward progress and assimilation, it was found that practically all of the recent immigrants, except the north and south Italians, and one and one-tenth of these, were fully naturalized. Moreover, only about one-third of the southern and eastern European wage earners could speak English.

On page 197 of their book is found this statement:

Owing to the rapid expansion in industry which has taken place during the past 30 years and the constantly increasing employment of southern and eastern Europeans, it has been impossible to assimilate newcomers, politically or socially, or to educate them to American standards of compensation, efficiency, or conditions of employment.

On page 265, same book, they say:

The coming in of people who will not be assimilated creates discord and makes separate classes or castes in a community.

The chief motive in coming to America of the old immigrant class was to escape religious or political persecution and to found for themselves a permanent home here. The bulk of the immigrants coming to this country after the year 1880, and known as the "new immigrants," have not sought homes here, have not assimilated readily if at all with our people and things American, but the tendency has been to settle in colonies in the industrial centers of our country, separate and apart from American citizens, and to continue to speak their own language or dialect and virtually to establish while here foreign customs and conditions and even foreign cities here on American soil.

Profs. Jenks and Lauck in their book (p. 67) say:

The widespread existence of immigrant industrial communities or colonies in the United States at the present time may be realized when it is stated that in the territory east of the Mississippi and north of the Ohio and Potomac Rivers there is no town or city of industrial importance, with the exception of the lead and zinc mining localities of Missouri, which does not have its immigrant colony or section composed of Slavs, Magyars, North and South Italians, or members of other races of recent immigration from southern and eastern Europe. In the South and Southwest, because of the large areas devoted almost exclusively to agriculture, the immigrant community is less frequently met with than in the Middle West or East. In the bituminous coal-mining territories of West Virginia, Virginia, Alabama, Arkansas, and Oklahoma immigrant colonies in large numbers have been developed in the same way as those in the coal-mining regions of Pennsylvania.

The new immigrants to this country have not fled from their country to seek safety in ours from religious or political persecution. That has not been their motive in coming here. Their reasons for coming have been largely economic. They have sought to take advantage of the high-priced wage in this country—to make a competence and then to return to their former homes. Profs. Jenks and Lauck in their book (p. 12) say:

The money wages in southern Europe, from which more than 80 per cent of our present immigrants are coming, are indeed very low as compared with those in the United States—often not over one-third as much. Moreover, the assertion often made that, owing to lower prices in Europe, the low wages will furnish practically as good living conditions as those in the United States is a mistaken one. The standard is far below that of the United States. They come to this country with the intention of making some money and then returning to their homes. This is shown by the fact that they send back to their mother country each year from \$300,000,000 to \$400,000,000 in money earned here, and by the further fact that 40 per cent of those who do come here do return to their own country after a little sojourn with us.

The old immigrants, in the main, come here for the purpose of making America their home, and but a small per cent of them return.

For the purpose of showing that the class of immigrants coming to this country have undergone a marked change; that they are not what they used to be; that before the year 1880—yes, beginning with the year 1869—there was less than

1 per cent of the new immigration coming here and at that time nearly 75 per cent of the old. I want to submit this table:

*Comparison of certain national groups.*

	Per cent of immigrants from Austria-Hungary, Italy, and Russia in total immigration. <sup>1</sup>	Per cent of immigrants from United Kingdom, France, Germany, and Scandinavia in total immigration.
1869.....	0.9	73.8
1880.....	8.5	64.5
1890.....	34.0	57.7
1891.....	39.6	52.1
1892.....	44.8	53.9
1893.....	42.7	48.2
1894.....	42.6	47.9
1895.....	39.8	52.9
1896.....	53.9	38.5
1897.....	53.0	37.6
1898.....	57.9	33.3
1899.....	64.4	27.8
1900.....	66.7	25.3
1901.....	68.6	22.5
1902.....	70.6	20.3
1903.....	66.8	22.4
1904.....	63.4	25.0
1905.....	66.4	24.2
1906.....	68.5	18.3
1907.....	71.3	17.1

<sup>1</sup> Includes Poland to 1898.

It will be noted that in 1869 the immigrants from Italy, Poland, Russia, and Austro-Hungary—whence come the new immigration—were about one hundred times less than the number from the United Kingdom, Germany, France, and Scandinavia—from whence have come the old immigration; in 1880 it was only about ten times less; in 1894 it was about equal to it; and in 1907 it was four times greater; and at the present time the proportion is still much larger. The old immigration has been supplanted by the new. The old immigration came to stay, and a large proportion of it sought homes on the farm. A large per cent of the new immigration comes to return, and to settle while here in colonies in the industrial centers of the country. Only about 15 per cent of it goes to the farms.

The Immigration Commission in its report says:

The old and the new immigration differ in many essentials. The former was, from the beginning, largely a movement of settlers who came from the most enlightened sections of Europe for the purpose of making for themselves homes in the New World. \* \* \* Many of them entered agricultural pursuits. They mingled freely with native Americans and were quickly assimilated. On the other hand, the new immigration has been largely a movement of unskilled laboring men who have come in large part temporarily from the less enlightened and advanced countries of Europe in response to the call for industrial workers in the Eastern and Middle Western States. They have almost entirely avoided agricultural pursuits, and in cities and industrial communities have congregated together in sections apart from native Americans and the older immigration. The new immigration as a class is far less intelligent than the old, more than one-third of all those over 14 years of age being illiterate when admitted. \* \* \* They are actuated in coming by different ideals from the old immigration, for it came to be a part of the country, while the new, in a large measure, comes with the intention of profiting in a pecuniary way by the superior advantages of the New World and then returning to the old country. The old immigration movement in recent years has rapidly declined, both numerically and relatively, and under present conditions there are no indications that it will materially increase. The new immigration movement is very large, and there are few, if any, indications of its natural abatement.

The fact is that statistics show that in more than 30 of our largest cities the foreign population is larger than the native born. Take New York City, for example: Its foreign population, including those born abroad and those born here but of foreign parentage, is 3,757,856, while the native-born Americans of native parents number only 1,012,027, including the negroes. Chicago has 1,693,988 of foreign parentage and birth, while it has less than half a million of native-born Americans, including the negroes. Milwaukee, another one of our large cities, has 293,986 foreign born and native born of foreign parentage, while it has less than 80,000 native-born Americans. And so the story goes. In a number of Atlantic seaboard cities it is even larger.

The literacy-test bill we are now considering will not cure all the evils of immigration, but it will cure a part of them. It will materially lessen the number of immigrants coming to this country, and it will lessen the illiteracy. It is generally agreed that there are too many immigrants coming to this country, but the opponents of the illiteracy test maintain that that is not the way to cure the evil. They point out that it will not shut



out the idiots, anarchists, criminals, professional beggars, prostitutes, black handers, or forgers; that it will not exclude the educated criminal. Nobody contends that it will. The bill was not framed primarily for that purpose. The present law excludes all these classes of undesirables, or is intended to do so, and the argument that a literacy test will not exclude them is beside the mark. Such argument, if not intended to deceive the public, is at least calculated to. But while the literacy test does not have as its primary object the exclusion of such people, yet in its practical operation it will exclude 21 per cent of our foreign-born criminals, 18 per cent of our foreign-born insane, and 30 per cent of our foreign-born paupers.

The argument is further made that the literacy test would exclude the honest, though illiterate, laboring man—the very man we need—and would admit the educated thief and scoundrel, the very men we do not need. That character of argument is unfair. Nobody contends that a dishonest educated man is a better citizen than an honest uneducated man. No law can be framed that would not in some instances work a hardship. In dealing with matters like immigration we deal with large classes of people; and the question with the literacy-test part of this bill is whether an education fits or unfits men for American citizenship.

Few men, I take it, would care to affirm that it would be better for our country if the millions of immigrants that arrive yearly upon our shores were uneducated rather than educated people. If it be true that ignorance adds to the true conception and ideals of American citizenship, and is a valuable asset for any people to possess, we had better abolish our public schools and tear down our institutions of learning. They are maintained at great cost.

For the scholastic year ending June 30, 1910, we expended on the 25,000,000 students in our public schools \$426,250,434, to say nothing of what was expended on the 125,000 students who attended our colleges and universities. If to fit our own American boys and girls for proper and efficient American citizenship we expend annually on them in tuition alone some \$500,000,000, have not we a right to demand that immigrants coming to this country who are over 16 years of age shall at least be able to read some language or dialect? The consensus of opinion in America is that the American fathers and mothers who have not educated their sons and daughters who are over 16 years of age, at least to the point of being able to read in some language, have fallen far short of their duty in fitting their children for wholesome and efficient American citizenship, to say nothing of citizenship in some foreign land, about whose Government and institutions they know nothing, and whose language they can not speak. The American citizen who can not even read or write, but who has been reared in America, surrounded by Americans, and who has observed the workings of its Government, caught the spirit of its institutions, imbibed its lofty ideals, and inherited its progress, is infinitely better prepared for wholesome American citizenship than any illiterate foreigner could be; and yet America feels that young Americans must be educated not merely to read, but must be really educated to properly prepare them for the great struggle for existence and to fit them and train them for wholesome American citizenship. What does the alien immigrant who can not read know of America or the duties and responsibilities of American citizenship? What can he know?

Profs. Jenks and Lauck, in their book, page 32, say:

At the time they are admitted into the United States as immigrants, judging from conditions in Europe, the percentage of illiteracy among the races composing the new immigration is much greater than that among the old, the difference being that of 35.6 per cent to 2.7 per cent, as shown by the following tables.

In the tables referred to, among other things, they show that 54.2 per cent of the south Italian immigrants over 14 years of age can neither read nor write.

Ours is a representative Government. Every citizen is a sovereign, and as such is called upon by his vote and otherwise to intelligently maintain that sovereignty, to uphold the ideals and institutions of the country of which he is a part. How can he maintain them when he knows nothing of them? How can he maintain them when he does not read, even in his own language; has never caught the spirit of our civilization, but upon the other hand crowds with others in colonies that do not know a word of English and are far removed from the better influences of our national life?

Profs. Jenks and Lauck, in their book, page 290, say:

Inability to speak English, as a matter of fact, is the greatest obstacle to the proper distribution of the recent immigration population. It causes segregation of the immigration races in industrial towns and large cities and prevents proper contact with American life and institutions.

How can an immigrant be fit for citizenship in a country like ours, where the people rule, when he knows nothing of the duties

and responsibilities of that citizenship, and where his whole training and environment from youth up have incapacitated him from properly exercising or duly appreciating them? How can he be expected to appreciate, prize, or value freedom and liberty when he knows nothing of either, and especially when the form of government from which he comes is so radically different from our own? How can we expect to assimilate him and make him a part of us when the native Americans and the old immigrants shun and avoid him and feel disgraced to be caught in his company? How could we, if we would, take him up and make him a part and parcel of American life and character when the bulk of the new immigration that reaches our shores isolate themselves when here, introduces debased standards of living and ideals of life, stays but a short time in one place and then returns—40 per cent of them—to the land of their birth and the bosom of their families whom, when coming here, they left behind?

The reason why but a small percentage of the old immigration, as compared to 40 per cent of the new, returned to their old haunts was the difference in motive that prompted their coming from that which prompted the coming of the new. The old immigration, as I have said, sought homes in America, the new immigration seek jobs; the old expected to remain, the new expect to return. The old immigration in the main represented a sturdy, intelligent, lofty-minded, and high-spirited citizenship, who would not tamely submit to political and religious persecution and other forms of tyranny as practiced in the countries of their home, and therefore fled here and cast their lives and fortunes with us. Only 2.7 per cent of them were illiterate, as compared with 40 per cent of the new. The new immigration in coming to America is actuated by no such ideals, inspired by no such motives as those which inspired the old. They do not come to America even on their own initiative or on their own accord. Their coming here is stimulated, inspired, induced. The great steamship companies, the great railway companies, the large employers of labor find profit in the business.

Thousands of immigration agents are employed by these large concerns and industries and operate in the countries of southern and eastern Europe and the western part of Asia, and are largely instrumental in corraling a large part of the immigrants who come to our shores, and that, too, in violation of both the spirit and the letter of the law. Profs. Jenks and Lauck in their admirable work, "The Problem of Immigration," say:

A good authority stated that two of the leading steamship lines had 5,000 or 6,000 ticket agents in Galicia alone, and that there is "a great hunt" for immigrants, and that the work is very successful there.

The Immigration Commission in its report and speaking of the causes of immigration to the United States uses this language:

A large number of immigrants are induced to come by quasi labor agents in this country, who combine the business of supplying laborers to large employers and contractors with the so-called immigrant banking business and the selling of steamship tickets. \* \* \* Another important agency in promoting immigration from Europe to the United States is the many thousands of steamship ticket agents and subagents operating in the immigrant furnishing districts of southern and eastern Europe. Under the terms of the United States immigration law, as well as the laws of most European countries, the promotion of immigration is forbidden, but nevertheless the steamship agent propaganda flourishes everywhere.

The Commissioner General of Immigration in his annual report of June 30, 1911, uses this language:

Much of the immigration which we now receive is artificial, in that it is induced or stimulated and encouraged by persons and corporations whose principal interest is to increase the steerage passenger business of their lines, to introduce into the United States an overabundant and therefore cheap supply of common labor, or to exploit the poor, ignorant immigrant to their own advantage by loaning him money at usurious rates.

The new immigration, much of it, is induced to come to this country. During the fiscal year 1911, 850,000 immigrants reached our shores, while only 16,000 were deported. There are too many coming here. The Immigration Commission has said so.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman again yield?

Mr. POWERS. I yield.

Mr. BARTHOLDT. I venture to say that there is not 1 Member out of 100 in this House who has read the report of that commission, and I venture to say, further, that this legislation that is pending is not in any way justified by the findings of that commission and by the facts elicited by that investigation.

Mr. POWERS. I did not yield for a speech. I am not responsible for the Members reading or failing to read that report. The facts are as I have stated them to be.

If the distinguished Member himself has read the report of the Immigration Commission, he would know that the commission used this language in making its report:

The commission as a whole recommends restriction as demanded by economic, moral, and social considerations. \* \* \* A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration. \* \* \* The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demand legislation which will at the present time restrict the further admission of such unskilled labor. \* \* \* The commission also recommended a "material increase in the head tax."

So the gentleman from Missouri [Mr. BARTHOLOTT] is mistaken in the facts when he says that the legislation now under consideration is not "in any way justified by the findings of that commission." It is not only justified by it but is specifically recommended by it. The Immigration Commission recommends an increase in the head tax. The bill now before us increases it from \$4 to \$5. The commission recommends restriction as demanded by economic, moral, and social considerations, and specifically indorses the reading and writing test. The bone of contention, the reading test, is embodied in the bill now before us. This and the other new restrictions I have pointed out in my remarks will lessen the number of immigrants coming to this country, and all in accord with the findings and recommendations of the Immigration Commission and not in opposition to it, as the gentleman from Missouri would have us believe.

I have no bitterness in my heart toward the peoples of other lands and countries.

I am not opposed to the right sort of immigrants coming to this country. In fact, we welcome them to our shores. Human nature is pretty much the same the world over among all races and nationalities. There is not a land or country in the civilized world—no race or nationality—that the sun sees that can not proudly boast of the brilliancy and accomplishments of at least some of its own distinguished fellow citizens.

I hope the American people will never fail to recognize merit wherever it may be found, nor neglect to pay due homage to the greatness and deeds of achievement of the races and peoples of other lands and countries.

America is under a debt of gratitude to and has not failed to show her appreciation of the desirable immigrants who have sought refuge and homes on her friendly coasts. Our history is full of instances of both. I will cite but a few. Carl Schurz, the "political offender" in Germany, escaped from that country and came to the United States as an alien immigrant. His merits were soon made manifest and were duly appreciated and recognized. He was elected to the United States Senate from Missouri, made a major general in Union Army during the Civil War, and was Secretary of the Interior in the Cabinet of President Hayes, and he deserved them all and more.

D. B. Henderson was an immigrant from Scotland. This country was not slow to appreciate his worth. He was made a general in the Union Army during the Civil War, was later sent to Congress for several terms, and became one of the ablest Speakers that has ever presided over the deliberations of this House.

Andrew Carnegie was an immigrant to this country. He borrowed the money to come on, but he does not have to borrow the money now to go back on.

William Kelly, a Kentuckian, by the way, discovered in 1851, I believe, an improved process of making steel. Andrew Carnegie purchased that process and through his foresight and industry has amassed his millions.

William Marconi, the young Italian, now less than 40 years of age, the inventor of wireless telegraphy, has added a boon and blessing to mankind by that remarkable achievement and discovery. The world is his debtor. He is an Italian. To such as these the United States opens wide her hospitable doors. The intelligent, the industrious, the thrifty, whether in high stations or in low, of all lands and countries, who are seeking homes here and who are assimilable with our people, have received, at least in the past, a welcome to our shores. That is the position of our country now. The literacy test excludes only those who can not read. The ability to read does not make out of a bad man a good man. He is good or bad, regardless of that fact. His failure to be able to read does not make out of an honest man a dishonest man nor vice versa. Men are either honest or dishonest, regardless of that fact. Some of the truest and best men I have ever known could neither read nor write. The failure to be able to read and write is no impeachment of a man's integrity, but it is a great handicap to him in the race of life.

The alien immigrants who seek our shores and who are thus handicapped are but poorly prepared to add to the intelligence or real greatness of our Nation or improve the standard of its citizenship. At tremendous cost we try to educate our own people to fitly prepare them for enlightened and wholesome American citizenship. Why not, then, require alien immigrants who seek American citizenship for the purpose of partaking of its blessings to at least possess education enough to read in some language or dialect, so that in time, if they desire to do it, they can acquire some knowledge of our freedom and form of government, appreciate to some extent our free institutions, and exercise to some good advantage the glorious responsibilities of the citizenship they seek?

Mr. GOLDFOGLE. Mr. Speaker, I now yield two minutes to the gentleman from New Jersey [Mr. HAMILL].

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] is recognized for two minutes.

Mr. HAMILL. Mr. Speaker, we witness again in these days a clamor, of which we may well doubt the sincerity, about the supposed evils of immigration. We have heard the same protest go up at different times in our history. We know its meaning, and we are thoroughly familiar with the motives of those who are making it. It proceeds from a class of our citizenship that seems unable to comprehend and, at any rate, is reluctant to be guided by the true spirit that underlies the Government we live under.

Keep out immigration, cry they, and preserve America for Americans. The slogan is catchy, but it is insincere. Those using it can not give proper reasons to justify its enforcement, and when we consider the subject it refers to we find that there are no valid reasons why it should be enforced.

Hitherto it has been our unbroken policy to encourage to this continent the influx of sturdy and industrious foreigners. From the beginning of our national existence the stream of immigration has been steady and uninterrupted. The downtrodden of all lands, however oppressed, whether politically, religiously, or industrially, were taught to reverence our flag as the symbol of a people ardently attached to the doctrine that all men are created equal, and who would, because of this belief, give the industrious immigrant the opportunity to reap the rewards to which good character and patient toil would entitle him. So he came here hopefully and confidently became naturalized and cast his lot among us. He became the fulcrum of the lever of American enterprise and genius, which built up the country across the continent from the Atlantic to the Pacific. He lifted the lusty young Nation to a high and commanding plane of wealth and power. But, of course, he was of the "old immigration," and the advocates of this bill hasten to tell us that with this class of foreigners they have no objection. It is extremely fortunate for them that they feel this way about the matter, because the descendants of this "old immigration" have multiplied very rapidly, and in many places are politically strong enough to resent any aspersions on their hard-working forefathers by cutting short the official careers of such Members of Congress as might be guilty of making them. But nevertheless these old immigrants had their struggles. They were opposed everywhere by the prejudiced and unreasoning, a class who, if living to-day, would, I am satisfied, be numbered, in spite of disproving experience, among the advocates of this proposed literacy test. As an instance of what they had to bear with, just listen to this liberal and discriminating observation that emanated in this broad land of enlightenment in 1835. A pamphlet issued in that year by "An American," Mr. I. F. B. Morse, in drawing a comparison between what was then the previous immigration and that of the day the writer lived in, contained this statement:

Then we were few, feeble, and scattered. Now we are numerous, strong, and concentrated. Then our accessions of immigration were real accessions of strength from the ranks of the learned and the good, from enlightened mechanic and artisan and intelligent husbandman. Now, immigration is the accession of weakness, from the ignorant and vicious, or the priest-ridden slaves of Ireland and Germany, or the outcast tenants of the poorhouses and prisons of Europe.

But immigration still continued to grow, and very luckily for the country.

The Civil War broke out, and the patriotism of the foreign-born citizen was put to the supreme test. The test, however, was not literacy but loyalty. The recruiting officers carried no slips containing 40 words. The only requirement was whether he would fight for "liberty and union," and how well he proved his devotion to this doctrine needs no eulogy from me, although I may take occasion to remark that his achievements during the conflict effectually silenced the carping of his critics. The immigrant of to-day would, if put to the same trial, prove equally worthy as his predecessor.



Abraham Lincoln realized the need and the value of immigration. His message to Congress of December 6, 1864, contained this recommendation:

I regard our immigrants as one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its waste of national strength and health. All that is necessary is to secure the flow of that stream in its present fullness, and to that end the Government must in every way make it manifest that it neither needs nor designs to impose involuntary military service upon those who come from other lands to cast their lot in our country.

As a result of this friendly and wisely foreseeing policy the period which has elapsed since the close of the Civil War has been specially characterized by immigration, and this period has also been the most glorious in our economic history. It has been notable for gigantic strides and progress in all the arts and industries. It has at the same time been distinguished for high wages and national prosperity. Immigrant industry constructed our railroads, opened our mines, leveled our forests, toiled in our mills and factories, in our shops and on our farms, and kept the furnaces of production burning and the wheels of industry turning.

The gentleman from Texas [Mr. DIES], when confronted with this undeniable record, graciously admitted the truth of it, but said we ought to leave some of these railroads and mines to be developed by our descendants. It is fortunate for the gentleman, so far as his convenience is concerned, that those who lived before him did not adopt his sagacious view of waiting until the railroads would be built by the then native labor, for if they had I am afraid the gentleman in coming to this Capitol to discharge his duties as a Representative would be compelled to travel from Texas to Washington on horseback.

The gentleman from Kentucky [Mr. POWERS] gives us a specimen of a similar kind of logic used in advocating this bill. He regrets that about 75 per cent of the operatives engaged in the woolen business are immigrants or their descendants and that there is a great percentage of immigrant labor employed in other industries. Does it never occur to the gentleman that when these people are working they are heaping up and have heaped up a wealth cornered and monopolized, not by immigrants, but by keen and shrewd Americans of long residence in this country?

When the gentleman from Massachusetts [Mr. GARDNER] stands up and with a willingness amounting almost to flippancy gives his assent and voices his perfect satisfaction at being numbered among those who are in favor of this measure, he forgets that the mills and manufactories of Massachusetts, his own State, are a standing protest against his action and an eloquent tribute to the industry and effectiveness of immigrants and their descendants.

Now, what does this bill provide. It excludes—

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish.

In other words, it makes education the standard and measure of good citizenship. It would close the gates of the country to the moral and industrious immigrant who has been denied the opportunity of education at home, whose vigorous body would add value to the country's power of production, but open them wide to the idle and worthless but somewhat educated foreigner whose presence here is unnecessary and whose purpose is often to stir up agitation against the Government. On this point let me read a most pertinent editorial taken from the Jersey Journal, of New Jersey, issue of May 11, 1912. It says:

#### THE LITERACY TEST.

The proposed literacy test would keep out a great many immigrants, but it is doubtful if it would exclude the really undesirable aliens, the proletariat that produces social ferment in dense alien populations.

Criminals are not the illiterates, as a rule. Some education is required to write Black Hand letters, and some degree of intelligence is needed to make bombs.

Another editorial, taken from the Boston Morning Herald of June 3, 1912, comprehensively deals with the contention of the advocates of this bill, as follows:

#### ILLITERACY AND IMMIGRATION.

One honest, hard-working illiterate who lives clean and raises a decent family is worth a hundred of the inefficient schools turn out annually, who can read and write, but who are too fine to work and who are utterly useless in the civilization they live in. We place too high an estimation upon mere literacy, but if we paid more attention to teaching children that morality which comprehends respect for parents and law and the necessity of earning bread by the sweat of their face, we would not be troubled so much with the envy and discontent which are the outgrowth of laziness and inefficiency.

The literacy test for the exclusion of immigrants is the sheerest humbug. Had such a law been in force since the early seventeenth century America would still be a howling wilderness. The American troubles of the twentieth century are not the fruits of illiteracy and immigration; they are made right here on the soil by those born on the soil, by the lazy, the inefficient, the envious, the unsuccessful—all the products of our public schools. Go to your prisons some time and learn how many of the inmates are illiterates. When literacy has become a synonym for sanity, honesty, industry, and physical sound-

ness it will be time enough to make illiteracy a barrier for admission to the Republic. I would rather have an illiterate who can steer a plow, wield a sledge, roof a house, lay brick, or dig a good sewer than a dozen half-baked chaps who can write dog and read cat and who are willing to live on the labor of a father and mother. Let Congress face the question fairly, and let the Government back up the immigration authorities in enforcing the laws we have. The illiterate test is pure punk, just plain flapdoodle.

Mr. REILLY. Is the gentleman aware that over 75 per cent of the inmates of prisons in this country can read and write?

Mr. HAMILL. The gentleman is correct in his assertion. It is only another proof that literacy is not a synonym for good citizenship and that a man who is industrious will make a better citizen than a man who has a smattering of knowledge but who is not industrious or of good moral character.

But the authors of the bill want the immigrant excluded because he keeps down American wages and lowers the American standard of living. A good many of those who urge this charge never before evinced such a tender solicitude for the wages of the American workingman, and it is to be regretted they did not have time to consult the statistics on the subject from which they would with certainty learn that wages in this country are highest in those places where immigration is heaviest and lowest in localities where immigration is most sparse. It is not the honest hard-working illiterate laborer that the American workingman has reason to fear, but the prison-made products that come from the skilled hands of those who could always pass a literacy test.

But it appears that some of the immigrants after working here a certain period return to their own country and thus carry with them a portion of the country's wealth. Is not this argument directly fatal to the charge that he disturbs wages in America? The truth is that he remains here while work is plentiful and then departs when it is scarce. So, therefore, the head and front of the poor immigrant's offending consists in yielding to an admirable natural sentiment to visit the home of his fathers. Dear, dear, how dreadful! But how about our own precious self-expatriated plutocrats, who carry out millions they never earned to enable them to live in foreign lands amid more agreeable European society? How about the fortunes with which they dower their daughters to make them eligible in marriage to scions of foreign nobility—fortunes spent in discharging mortgages and repairing the estates of gentlemen who could probably pass a literacy test, but not invariably a character test? There is this difference between the two classes that go out. When the immigrant returns he carries with him and spreads the grateful story of America's grandeur and goodness to all who live beneath the flag and causes America to be cherished in the hearts of the world's millions. When the plutocrat goes abroad, if ever we hear about him, it is generally in making among his new neighbors some obsequious reference in disparagement of America as compared to the land he then lives in. No; we should not restrict immigration. We need the immigrant here. We can easily assimilate him and there is plenty of room to receive him.

The present immigration laws are more than stringent enough to keep out unworthy applicants for residence. They are a more than sufficient sifting process and will keep out all undesirables if the gatekeepers of the country properly enforce them. If, perchance, a small number of unworthy immigrants have found entrance, it was owing to the lax enforcement of the laws, the remedy for which is not restriction. It is unjust to attempt to shut off the entire stream of foreign population merely because a small and impure rivulet trickles through.

The safety of this country demands that the supply should be drawn from different sources, whereby the various nationalities are blended and a high type of physical strength combined with intellectual and moral excellence is obtained. This alone would give us an ideal American citizenship. No country ever did or ever could succeed in this policy of exclusion. This was attempted by China when, lured by the siren cry of "China for the Chinese," she raised prohibition barriers against immigration and severed all voluntary relations with the outside world. From then onward the star of her career steadily waned. A similar fate would befall us if ever, in an evil moment, we should adopt the policy insisted upon by the oriental sagacity of the advocates of this bill.

America owes to the immigrant too great a debt to be repudiated by restriction. He has been closely identified with her history in the most perilous as well as the most prosperous periods of her history. The future welfare and supremacy of this country will depend in no small part on her immigrant citizen, and to now close the avenues of the country against his entrance would be in the highest degree ungrateful and unwise. [Applause.]

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. CANNON. I ask unanimous consent that all gentlemen who have spoken on this measure to-day have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that all gentlemen who have spoken on this measure or who may speak upon it to-day have leave to extend their remarks in the RECORD.

Mr. MANN. Not those who may speak.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that those who have spoken on this measure have leave to extend their remarks. Is there objection?

There was no objection.

Mr. BURNETT. I will ask the gentleman from New York [Mr. GOLDFOGLE] to use some further time. He has quite a little time left.

Mr. GOLDFOGLE. Does the gentleman from Pennsylvania desire to use any more time?

Mr. MOORE of Pennsylvania. How many more speakers has the gentleman from New York?

Mr. GOLDFOGLE. I have one.

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Minnesota [Mr. NYE].

The SPEAKER. The gentleman from Minnesota [Mr. NYE] is recognized for five minutes. [Applause.]

Mr. NYE. Mr. Speaker, immigration should be wisely regulated, and we do not attempt to oppose wise restrictions; but the question is so presented that it becomes of vast and mighty importance to our civilization.

Much is said about education. What is it? The gentleman from Kentucky [Mr. POWERS] seems to think that it is everything. Education is power, if it is education founded upon morality and right; but if it is top-heavy, if it is merely an education of intellect divorced from usefulness, from honesty, from virtue, it is a danger in this country. [Applause.]

I wonder what this Nation would be to-day if you should eliminate from it all the men and women who can not read and write? My judgment is you would weaken it; that there is much of virtue in the simple and unlearned of our land. Virtue is the foundation of all that is permanent in our national life. The unlearned men of the past, who could neither read nor write, have been a power in usefulness, and usefulness is the test. We want men who come here and add to the daily virtue of this Republic by usefulness. Those are the men we want; and when the gentleman from Kentucky [Mr. POWERS] recites, as I am glad he did, the important fact that a very large proportion of our useful industries are served by people of foreign birth, he adds an argument that is unanswerable in favor of the usefulness and the virtue of the foreign population as a whole who come to this country. Learning without industry is of little profit and often an injury. Virtue is the test, and virtue springs largely from useful industry. Robert Burns, after picturing the rugged beauty and simplicity of the poor cotter's life in his native land, says:

From scenes like these, old Scotia's grandeur springs,  
That makes her lov'd at home, rever'd abroad:  
Princes and lords are but the breath of kings,  
"An honest man's the noblest work of God;"  
And certes, in fair virtue's heavenly road,  
The cottage leaves the palace far behind;  
What is a lordling's pomp? A cumbrous load,  
Disguising oft, the wretch of human kind,  
Studied in arts of hell, in wickedness refin'd!  
O Scotia! my dear, my native soil!  
For whom my warmest wish to heaven is sent!  
Long may thy hardy sons of rustic toil  
Be blest with health, and peace, and sweet content!  
And O! may heaven their simple lives prevent  
From luxury's contagion, weak and vile!  
Then howe'er crowns and coronets be rent,  
A virtuous populace may rise the while,  
And stand a wall of fire around their much-lov'd isle.

Ah, the menace to this Republic is not from the poor men of the cabin and the hut who have not learned to read. The apostles in olden times could not read or write, some of them, and yet the world took notice of the fact that they had been in the presence of a great Teacher. Inspiration and power may come from education, but it is the education of the soul. [Applause.] It is the education that is inspirational; it is not the scholastic learning of this country that constitutes our greatness.

Mr. POWERS. Will the gentleman yield?

Mr. NYE. I have not the time.

The SPEAKER. The gentleman from Minnesota has a half a minute remaining.

Mr. NYE. Then I will yield to the gentleman.

Mr. POWERS. Under the illiteracy test, if it is put into the law, there would be excluded some 200,000 of alien immigrants who could not read. Does the gentleman think the position

of this country would be better if those people who could not read should be admitted?

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GOLDFOGLE. Mr. Speaker, how much time is remaining?

The SPEAKER. The gentleman from New York has 16 minutes, the gentleman from Pennsylvania 1 minute, and the gentleman from Alabama 5½ minutes.

Mr. GOLDFOGLE. I yield 1 minute more to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, the literacy test is absolutely no test at all. I do not remember exactly the question put by the gentleman from Kentucky because I did not suppose I would have time to answer it, but the educational test does not go to the question of our real citizenship. The foreigners in my county and my city, whether from Italy or Scandinavia, are the people whose children are the first to learn, and foremost many times in taking prizes in the schools. [Applause.]

The children of the poor, unfortunate men who come to this country and who have been unable to get an education are invariably foremost in our schools, I think, throughout the country. That is true of all nationalities.

Yes, to answer the gentleman's question more specifically, I really believe the country would be better for the 200,000 immigrants, notwithstanding their illiteracy. Illiteracy is not incompatible with good citizenship.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania has one minute remaining and the gentleman from Alabama five and a half minutes.

Mr. BURNETT. I yield to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. BURNETT. I ask the gentleman from Pennsylvania to use his time.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have one minute?

The SPEAKER. Yes.

Mr. MOORE of Pennsylvania. Mr. Speaker, in that time I want to refer to the industrial and political economy of my friend from Texas, Mr. DIES, who complained of the congestion of the East Side of New York and to commend to him the testimony of Joseph Barondess, who does not agree with Samuel Gompers upon this question, that there are no better paid garment workers in the United States now than those on the East Side of the city of New York, and in a Democratic district, who receive two or three times as much pay as they do abroad. Secondly, as to the gentleman's economy with reference to the increased cost of living in connection with immigration, the gentleman ought to know that every immigrant who comes to this country, which enjoys the greatest home market in the world, consisting of more than 90 per cent of all we produce, brings in his own skin a customer for at least 90 per cent of the products of the farm. That is all, Mr. Speaker. I ask permission to extend my remarks in the RECORD. [Applause.]

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The communications are as follows:

PHILADELPHIA, PA., January 23, 1913.

Hon. J. HAMPTON MOORE,  
House of Representatives, Washington, D. C.:

Pennsylvanians who still have faith in freedom and love our country for what it stands for look to you and your colleagues to continue fight against narrow immigration laws. Lack of letters is misfortune, but not crime. To turn back liberty seekers because of that misfortune is like returning victims of Russian tyranny to Siberia and the knout because of their fetter bruises and their scars.

SOLOMON SOLIS COHEN, Chairman.

THE AMERICAN JEWISH COMMITTEE,  
New York, January 22, 1913.

Hon. J. HAMPTON MOORE,  
House of Representatives, Washington, D. C.

DEAR SIR: Permit me to draw your attention to the inclosed copy of a letter we have sent to the conferees on the immigration bill in which serious defects in the bill are pointed out. I would ask you further to consider the inconsistency between the provisions of section 3 and section 9 pointed out by Senator STONE in his argument, which may be found on page 1788 of the CONGRESSIONAL RECORD for January 20, 1913. As Senator STONE showed, the clause in section 9 prohibiting steamship



companies or their agents under penalty of \$100 fine from bringing in persons who can not read practically nullifies the provision in section 3, which permits an alien to bring his grandfather and other relatives, even if they can not read. An immigrant domiciled in this country may be separated from his family because of the unwillingness of the steamship company to incur the penalty by bringing in persons who can not read. This is a hardship which plainly was not intended and may be remedied by inserting the exceptions mentioned in section 3, also in section 9.

I trust you will find it possible to use your influence with the conferees to have the amendments referred to incorporated in the bill.

Assuring you of our appreciation of the splendid fight you have made against the enactment of this unnecessary, restrictive measure, I am,

Very truly, yours,

HERBERT FRIEDENWALD, *Secretary.*

JANUARY 21, 1913.

DEAR SIR: In the debate in the Senate on the 20th instant a number of defects in the conference immigration bill were pointed out, and there are several to which I especially wish to direct your attention.

1. A provision still remaining in the conference report is as un-American as the certificate section to which the Senate unanimously objected. Its evils, however, require a little study in order to make them apparent. The provision referred to is made up of three portions of the bill, viz, in section 3, among the excluded classes are "persons who have committed a felony or other crime or misdemeanor involving moral turpitude." In section 16 the immigration officials are given the right to secure through United States courts subpoenas to compel the attendance of witnesses and the production of books and documents, while no such power is conferred upon the accused or detained alien; and in section 18 there is the clause: "In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing the decision of the Secretary of Commerce and Labor shall be final." The provisions in sections 16 and 19 are new. The present law as to criminals is that those are excluded "who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude."

As will be seen at a glance, the amended law confers upon boards of special inquiry and upon immigration inspectors the right to try aliens for alleged crimes. There are no rules of evidence; there is no right of counsel; the immigration officials have the right to subpoena witnesses, but the alien has not. Many European countries try defendants in their absence, and, of course, the production of a properly authenticated judgment convicting a person might be held to be conclusive proof that he had committed the crime therein mentioned. Under the present act it would not be sufficient to deport, as the courts have held such convictions are not the character of convictions which the statute contemplates; but under the amended law such a conviction might be held to be absolute proof of the commission of the crime, which is all that would be required for deportation.

If an alien is ordered excluded or deported, he has only the right of appeal to the Secretary, and the decision of the Secretary is made final. This means that even the courts have no right to admit an alien whom the immigration inspectors have declared to have been guilty in his own country of a crime involving moral turpitude. (Lou Wah Suey v. Backus, 225 U. S. 460.) In other words, foreign governments, as, for instance, Russia, who hereafter desire to have returned to them their citizens or subjects in this country will not resort to extradition proceedings under treaties, where an alien has a right to go to court and where he has the right to remain in this country if he can show that he is a political refugee, but the alien will be accused of the commission of some crime. He can not plead that he is a political refugee, as the statute makes no exception but simply provides for the exclusion or deportation of persons who have committed a crime involving moral turpitude. Surely, the American public has not so soon forgotten the cases of Pouren and Rudowitz, the Lettish revolutionists, whom Russia tried to extradite only two or three years since and who were permitted to remain in this country by the order of Secretary Root, because the crimes which they undoubtedly committed were political crimes in connection with a revolution. If this statute had been in force, Russia would never have gone into extradition proceedings against them, but would have accused them of larceny or murder and proved it, and they would have gone to Russia as men who had committed those crimes in that country, and when they arrived there would have been shot as having taken part in a revolution.

Unless our Congress has lost all touch with American ideals it will not put into the hands of the secret agents of foreign countries the right to have deported, upon proof of some minor crime in connection with revolutionary activities, those who unsuccessfully engaged in revolutions in foreign countries and thereafter fled to this country. If this had been the law in our country in 1849, Carl Schurz would have been deported to Germany and shot.

2. In the bill as it passed the Senate, page 31, section 16, lines 17 and 19, the following appears:

"On such examinations by the board of special inquiry the alien shall have the right to be represented by counsel or other adviser."

In the conference report the above clause is omitted, and in its place is inserted, page 14, lines 12-21, a clause requiring the board of special inquiry to inform the alien of his right of appeal to the Secretary of Commerce and Labor and giving him the further right to be represented by counsel or other adviser on such appeal. This last clause is practically meaningless, as the alien has always had this right. (See Immigration Rules, Nov. 15, 1911, rule 17, subdivisions 1 and 2.)

In the conference report, page 14, section 17, lines 20 and 21 of that section, is reproduced the provision of existing law that "all hearings before such boards shall be separate and apart from the public." This gives to the proceedings of the boards of special inquiry an inquisitorial and star-chamber character, which is against the spirit of our institutions. Practically the first contact, therefore, which an alien has with American institutions is with secret administrative processes which he has left his native land to avoid.

There is no reason, therefore, why an immigrant should not have the same right to be represented as is conferred upon the meanest criminal. Frequently the immigrants are so dazed when they come before boards of inquiry, being unfamiliar with the language and procedure, that they are practically speechless, some of them having come from countries like Russia and Roumania, where a public official is looked upon as a public enemy. I have heard of many cases where immigrants were possessed of considerable means, who, fearing that they would be stripped of their belongings if they admitted that they had money, have denied that they had any, and were only saved from deportation by subsequent disclosure of the fact.

Proper regulations can be adopted by the boards of inquiry which would prevent any abuses that might be feared from the presence of advisers and counsel. Nobody should be prevented from coming into this country without a proper opportunity of being represented by counsel.

I therefore suggest that the words stricken out be reinserted, and that the words in section 17 requiring all hearings before boards of inquiry to be separate and apart from the public be stricken out.

Will you not have these amendments made in conference? They are altogether in accord with the spirit of American traditions.

LOUIS MARSHALL,  
*President American Jewish Committee.*

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized for five and a quarter minutes.

Mr. BURNETT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FARR].

[Mr. FARR addressed the House. See Appendix.]

Mr. BURNETT. Mr. Speaker, I am glad to know this is coming to an end, and that after six years of struggle petitions, not of the 450,000 whose petition the gentleman from Massachusetts [Mr. CURLEY] referred to but the petitions of 3,000,000 of workmen, are about to be heeded by the American Congress. Thousands and thousands of them are themselves foreigners, who came to this country for the purpose of obtaining their living by their daily toil. I am glad that after long, weary waiting years in response to the petitions of 3,000,000 farmers all over this country and of thousands of members of patriotic organizations you are about to cast the vote for which the country has so long besought you in vain. One gentleman said there had been a lobby maintained here. Who are the lobbyists, Mr. Speaker? None of them hired and paid by the steamship companies to do their work. The only ones that I know of are those who are legislative agents of those who toil and who do know something about these conditions. [Applause.] Right there I want to read from a letter that has no doubt been going into the hands of Members of Congress during this debate, signed by L. H. Hammerling, president of the American Association of Foreign Language Newspapers. He says:

If the bill becomes a law, not only will it hamper the interests referred to, but, no doubt, by reason of the limitation of labor, further increase the cost of living and give more power to the labor agitators to make trouble.

Here is what that man said. That is the kind of lobbyist, Mr. Speaker, that is being maintained all over the country, not only here, for the purpose of stirring up sentiment against this bill. That man was before our committee, and here is the statement he made as the president of the Foreign Language Newspapers Association:

As an ex-member of a union I know something about their doings, and I hope it will be taken down as I say it. The labor leaders have realized to-day that the foreign-speaking population can not be managed by them in their own way, as was done 20 years ago. We have advanced, become acquainted with American institutions, and have educated ourselves. When they could use us they were satisfied to have us come, but they have found we object to some of their methods.

That is the kind of man who has been filling the mails with base slanders of the officials of the great labor organizations of the country, the purpose of which is to ameliorate the conditions of those who earn their living by the sweat of their face.

When President Gompers was before our committee and that statement of Hammerling's was called to his attention he said:

I do not think Mr. Hammerling would have made that statement seriously in the presence of Mr. Mitchell and myself.

And then went on to state that foreigners who were members of these organizations had themselves joined in these petitions. They have prayed to you to take this cup from them in order that they may be relieved of those who come like birds of passage and beat down the price of the wages of laboring men and then, like Arabs, fold their tents and silently steal away and take everything they can with them.

Over against the petition referred to by Mr. CURLEY, of the authenticity of the signatures to which we know nothing, I present the following letter of Mr. Frank Morrison, secretary of the American Federation of Labor:

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., March 18, 1912.

Hon. F. M. SIMMONS,  
*United States Senate, Washington, D. C.*

DEAR SIR: I see by the CONGRESSIONAL RECORD that you will speak before the United States Senate on the amendment offered by yourself to the immigration bill, S. 3175, and that you will deal specifically with the subject of the restriction by means of the illiteracy test.

In order that you may also know the latest action of the American Federation of Labor on the subject of immigration, I hand you herewith copy of the proceedings of the thirty-first annual convention, held at Atlanta, Ga., last November (1911), on page 66 of which you will find a statement by President Gompers on the subject of immigration, showing the Immigration Commission to have completely indorsed the attitude of the American Federation of Labor upon the general subject matter of immigration, particularly that of the requirement of an educational test. On page 287 of the same report you will find the report of the committee on president's report, reaffirming former actions of

the conventions of the American Federation of Labor, and instructing the legislative committee to continue their efforts to secure the passage of either the Gardner or the Burnett bill, or, for that matter, any other suitable measure providing for the educational test. This report was unanimously adopted by the convention.

Hoping that this may be of service, and with best wishes for your every success on this important question, I remain,

Yours, very truly,

FRANK MORRISON,  
Secretary American Federation of Labor.

A resolution of the same purport was again adopted at the recent annual meeting of the representatives of the American Federation of Labor. I also present a resolution recently adopted by the National Grange, and a letter from the general counsel of the Farmers' Union containing resolutions passed a few weeks ago by the Farmers' Union of the State of Texas:

Resolution adopted by the National Grange of Patrons of Husbandry in national session, 1912.

Whereas the Senate has passed an excellent bill, S. 3175, containing the legislation recently recommended by a congressional investigating commission as necessary to exclude undesirable immigration, and the House leaders have announced that the measure will be considered "the first thing in December," and as we have recommended that the head tax be increased, the illiteracy test be enacted, the foreign steamships be fined for bringing undesirables, and that other judicious measures be adopted by the Congress of the United States: Therefore be it

Resolved by the National Grange, forty-sixth annual session, That we urge this needed legislation.

FARMERS' EDUCATIONAL AND COOPERATIVE  
UNION OF AMERICA,  
January 25, 1913.

Hon. JOHN T. WATKINS, M. C.,  
House Office Building, Washington, D. C.

CONGRESSMAN WATKINS: I am in receipt of a letter under date of the 19th instant from the State president, Mr. I. N. McCollister, of the Louisiana Division of the Farmers' Educational and Cooperative Union, pointing out that a few farmers are being hoodwinked by certain mercenary interests and selfish influences into asking for the disapproval of the immigration bill, S. 3175, unless special provision is made for the free admission of "cotton pickers" from Mexico, directing me to call the matter to your attention and the attention of the other Members of the Louisiana congressional delegation, and informing me that he had sent you a telegram in which he stated, among other things, "I hope that you will \* \* \* urge the passage of the immigration bill."

These same interests and influences have been industriously at work in Texas with specious arguments and half-truth statements trying to inveigle members of the farmers' union to write and telegraph their Congressman in opposition to the approval of the immigration conference report. A number of their letters and newspaper articles have been sent to me. In fact, Mr. Peter Radford, State president of the Texas division, is now in Washington attending a conference of farmers, and he says that the matter was thrashed out at a State meeting last week in Fort Worth, at which there were over 1,500 delegates, the following resolutions being unanimously adopted:

"Whereas the House and Senate have passed an immigration bill (S. 3175) containing the very legislation urged for years by the Farmers Educational and Cooperative Union of America in local, State, and national meetings, and recently recommended by a congressional immigration commission, after a four years' searching investigation: Therefore be it

"Resolved by the Texas Division of the Farmers' Educational and Cooperative Union of America in State session assembled this 14th day of January, 1913, That we urge upon the President the approval of this excellent bill, and point with pride to the fact that every one of the Congressmen from this State, except one, were in favor of the measure, a number of them taking the floor and ably arguing for its passage; and be it further

"Resolved, That the State secretary send forthwith a copy of this resolution to each one of our 16 Congressmen, each of our Senators at Washington, give a copy to the newspapers for publication, and transmit a certified copy to the President, the White House, Washington, D. C."

Thanking you for permitting this intrusion upon your busy time, I am, knowing your genuine interest in and sympathetic support of all measures looking to the betterment of farm life in particular, and the promotion of the general welfare of all the people and the country in general, instead of the service of certain special interests and selfish influences,

Very truly, yours,

J. H. PATEEN,  
General Counsel Farmers' Educational  
and Cooperative Union of America.

I could pile up resolutions of patriotic organizations, labor brotherhoods, and others until they would fill a book.

Gentlemen, these are the ones in whose behalf I appeal to you to-day. The Hammerling clans have sung their swan songs.

The attorneys and agents of steamship companies have been for months gumshoeing through these corridors. The voice of the country comes to you in clarion notes, and if you fail to heed it they may refuse to heed your voice when you come before them again.

This is the day I long have sought,  
And mourned because I found it not.

[Applause.]

Mr. Speaker, I ask for a vote.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BURNETT. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Alabama [Mr. BURNETT] ask

unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, several gentlemen have spoken since the unanimous request was made some time ago, and I ask that those gentlemen who have spoken since that time on this bill be given unanimous consent to extend their remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GOLDFOGLE. Division, Mr. Speaker.

Mr. BURNETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 72, answered "present" 13, not voting 131, as follows:

YEAS—167.

Adair	Dies	Howland	Patton, Pa.
Adamson	Doughton	Hughes, Ga.	Pepper
Aiken, S. C.	Draper	Hughes, W. Va.	Post
Ainey	Edwards	Humphrey, Wash. Pou	Powers
Akin, N. Y.	Ellerbe	Humphreys, Miss.	Pray
Alexander	Evans	Jackson	Prince
Allen	Faison	Jacoway	Raker
Anderson	Farr	Johnson, S. C.	Rauch
Ashbrook	Finley	Jones	Rees
Austin	Flood, Va.	Kent	Roberts, Nev.
Bartlett	Floyd, Ark.	Kinkaid, Nebr.	Roddenbery
Bathrick	Fordney	Knowland	Rothermel
Beall, Tex.	Foss	La Follette	Rouse
Bell, Ga.	Fowler	Lamb	Rubey
Blackmon	French	Langham	Rucker, Colo.
Borland	Gardner, Mass.	Langley	Rucker, Mo.
Brantley	Garner	Lawrence	Russell
Buchanan	Gillett	Lenroot	Saunders
Burke, S. Dak.	Glass	Lindbergh	Shackelford
Burnett	Godwin, N. C.	Littlepage	Simmons
Butler	Good	Lloyd	Smith, Tex.
Byrnes, S. C.	Goodwin, Ark.	Longworth	Sparkman
Byrns, Tenn.	Gray	McKellar	Stedman
Callaway	Greene, Vt.	McKenzie	Stephens, Cal.
Candler	Gregg, Pa.	McKinney	Stephens, Miss.
Cantrill	Gregg, Tex.	Macon	Stephens, Tex.
Carlin	Gudger	Maguire, Nebr.	Sterling
Cary	Guernsey	Martin, S. Dak.	Switzer
Claypool	Hamilton, W. Va.	Mays	Taylor, Colo.
Collier	Hart	Mondell	Taylor, Ohio
Copley	Haugen	Moon, Tenn.	Thomas
Cox	Hay	Moore, Tex.	Tribble
Cravens	Healin	Morgan, Okla.	Turnbull
Cullop	Helgesen	Morrison	Underhill
Currier	Heim	Morse, Wis.	Watkins
Dalzell	Henry, Conn.	Moss, Ind.	White
Daugherty	Henry, Tex.	Murdock	Wilson, Pa.
Davenport	Hensley	Neeley	Witherspoon
Davis, Minn.	Higgins	Nelson	Young, Kans.
Davis, W. Va.	Hinds	Padgett	Young, Tex.
Dent	Holland	Page	
Dickinson	Houston		

NAYS—72.

Barchfeld	De Forest	Kahn	Reilly
Barnhart	Denver	Kinkaid, N. J.	Roberts, Mass.
Bartholdt	Donohoe	Konop	Rodenberg
Bates	Driscoll, D. A.	Korhly	Scott
Berger	Dupré	Lee, Pa.	Sherley
Boehne	Lobeck	McCoy	Sherwood
Booher	Esch	McCreary	Sloan
Broussard	Estopinal	McDermott	Smith, N. Y.
Bulkey	Fergusson	McGillicuddy	Stevens, Minn.
Burke, Wis.	Fitzgerald	Madden	Stone
Burleson	Fuller	Morgan, Pa.	Talcott, N. Y.
Cannon	Gallagher	Morgan, La.	Thayer
Cline	Goldfogle	Murray	Towne
Cooper	Green, Iowa	Nye	Tuttle
Crumpacker	Hamill	O'Shaunessy	Volstead
Curley	Hardy	Pickett	Wilder
Curry	Hawley	Ransdell, La.	Wilson, Ill.
Davidson	Howell		Young, Mich.

PRESENT—13.

Andrus	Greene, Mass.	Palmer	Thistlewood
Burgess	Kopp	Parran	
Fairchild	Mann	Sisson	
Fornes	Norris	Steenerson	

NOT VOTING—131.

Ames	Dixon, Ind.	Hamlin	Konig
Ansberry	Dodds	Hammond	Lafean
Anthony	Doremus	Hardwick	Lafferty
Ayres	Driscoll, M. E.	Harris	Lee, Ga.
Bradley	Dwight	Harrison, Miss.	Legare
Brown	Ferris	Harrison, N. Y.	Lever
Browning	Fields	Hartman	Lewis
Burke, Pa.	Focht	Hayden	Lindsay
Calder	Foster	Hayes	Linthicum
Campbell	Francis	Head	Littleton
Carter	Gardner, N. J.	Hill	Loud
Clark, Fla.	Garrett	Hobson	McCall
Clayton	George	Howard	McGuire, Okla.
Conry	Gill	Hull	McKinley
Covington	Goeke	Johnson, Ky.	McLaughlin
Crago	Gould	Kendall	McMorran
Danforth	Graham	Kennedy	Maher
Dickson, Miss.	Griest	Kindred	Martin, Colo.
Difenderfer	Hamilton, Mich.	Kitchin	



Matthews	Pujo	Slemp	Tilson
Merritt	Rainey	Small	Townsend
Miller	Randell, Tex.	Smith, J. M. C.	Underwood
Moon, Pa.	Redfield	Smith, Saml. W.	Vare
Mott	Reyburn	Smith, Cal.	Vreeland
Needham	Richardson	Speer	Warburton
Oldfield	Riordan	Stack	Webb
Olmsted	Sabath	Stanley	Weeks
Patten, N. Y.	Scully	Stephens, Nebr.	Whitacre
Payne	Sells	Sulloway	Willis
Peters	Sharp	Sweet	Wilson, N. Y.
Plumley	Sheppard	Taggart	Wood, N. J.
Porter	Sims	Talbott, Md.	Woods, Iowa
Prouty	Slayden	Taylor, Ala.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. MAHER (against) with Mr. TILSON (in favor).  
 Mr. CONRY (against) with Mr. CAMPBELL (in favor).  
 Mr. FRANCIS (for) with Mr. LAFFERTY (against).  
 Mr. WEBB (for) with Mr. PATTEN of New York (against).  
 Mr. COVINGTON (for) with Mr. WILSON of New York (against).  
 Mr. SARATH (against) with Mr. HARRIS (for).  
 Mr. STACK (against) with Mr. PORTER (for).  
 Mr. SLAYDEN (for) with Mr. GREENE of Massachusetts (against).

Mr. Sisson (for) with Mr. KENDALL (against).

Mr. DIFENDERFER (for) with Mr. LEVY (against).

Mr. STANLEY (in favor) with Mr. CALDER (against).

Mr. HAMLIN (for) with Mr. GRAHAM (against).

Mr. TAGGART with Mr. NORRIS.

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. SCULLY with Mr. BROWNING.

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PAERAN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. PALMER with Mr. HILL.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SMALL with Mr. VREELAND.

Mr. STEPHENS of Nebraska with Mr. SLEMP.

Mr. TAYLOR of Alabama with Mr. WARBURTON.

Mr. TOWNSEND with Mr. WEEKS.

Mr. LINTHICUM with Mr. OLMSTED.

Mr. OLDFIELD with Mr. PLUMLEY.

Mr. PETERS with Mr. PROUTY.

Mr. RANDELL of Texas with Mr. REYBURN.

Mr. SHARP with Mr. SELLS.

Mr. SHEPPARD with Mr. SPEER.

Mr. SIMS with Mr. VARE.

Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. HULL with Mr. NEEDHAM.

Mr. CLAYTON with Mr. WOOD of New Jersey.

Mr. HARDWICK with Mr. SULLOWAY.

Mr. GEORGE with Mr. SMITH of California.

Mr. LEGARE with Mr. WOODS of Iowa.

Mr. BURGESS with Mr. MICHAEL E. DRISCOLL.

Mr. DOREMUS with Mr. WILLIS.

Mr. HOWARD with Mr. SAMUEL W. SMITH.

Mr. PUJO with Mr. MCMORRAN.

Mr. RAINEY with Mr. MCCALL.

Mr. HARRISON of New York with Mr. PAYNE.

Mr. WHITACRE with Mr. MCKINLEY.

Mr. BROWN with Mr. AMES.

Mr. CLARK of Florida with Mr. ANTHONY.

Mr. DICKSON of Mississippi with Mr. CRAGO.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. AYRES with Mr. DANFORTH.

Mr. DIXON of Indiana with Mr. FOCHT.

Mr. FIELDS with Mr. DODDS.

Mr. GARRETT with Mr. HAMILTON of Michigan.

Mr. GOEKE with Mr. HARTMAN.

Mr. GOULD with Mr. HAYES.

Mr. HAMMOND with Mr. HEALD.

Mr. HARRISON of Mississippi with Mr. KENNEDY.

Mr. HAYDEN with Mr. LAFFAN.

Mr. JOHNSON of Kentucky with Mr. McLAUGHLIN.

Mr. KINDRED with Mr. MATTHEWS.

Mr. KITCHIN with Mr. MERRITT.

Mr. LEVER with Mr. MOON of Pennsylvania.

Mr. LEWIS with Mr. MOTT.

Mr. LEE of Georgia with Mr. MILLER.

Mr. SWEET with Mr. LOUD.

Ending February 1:

Mr. SHACKLEFORD with Mr. LONGWORTH.

Ending Tuesday:

Mr. FOSTER with Mr. KOPP.

Mr. CLAYTON. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. CLAYTON. Mr. Speaker, I desire to know how the gentleman from New Jersey, Mr. WOOD, voted.

The SPEAKER. He did not vote.

Mr. CLAYTON. I voted "present" on the first call, but I am paired with the gentleman from New Jersey, Mr. WOOD. If he had voted, I would vote "yea," but he not having voted, I desire to vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. CLAYTON, and he answered "Present."

Mr. PALMER. Mr. Speaker, has the gentleman from Connecticut, Mr. HILL, voted?

The SPEAKER. He has not.

Mr. PALMER. I voted "yea" on this proposition. I am paired with the gentleman from Connecticut, Mr. HILL, and therefore I withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. PALMER, and he answered "Present."

Mr. GREENE of Massachusetts. Mr. Speaker, I am paired with the gentleman from Texas, Mr. SLAYDEN. I desire to withdraw my vote. I voted "nay."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GREENE of Massachusetts, and he answered "Present."

Mr. MANN. Are gentleman entitled to vote unless they are present?

The SPEAKER. Not unless they are paired with another gentleman and try to change their vote.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. MANN, and he answered "Present."

Mr. KOPP. Mr. Speaker, I voted "yea." I have a general pair with the gentleman from Illinois, Mr. FOSTER. I wish to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. KOPP, and he answered "Present."

Mr. Sisson. Mr. Speaker, I voted "aye" on the roll call, but I am paired with the gentleman from Iowa, Mr. KENDALL, and desire to change my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. Sisson, and he answered "Present."

Mr. STEENERSON. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. STEENERSON. I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. STEENERSON, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. BURNETT, a motion to reconsider the vote whereby the conference report was adopted was laid on the table.

#### CITIZENS OF THE DISTRICT OF COLUMBIA SUFFRAGE LEAGUE.

Mr. O'SHAUNESSY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. O'SHAUNESSY. I ask unanimous consent to have printed in the RECORD a memorial of the Citizens of the District of Columbia Suffrage League.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to have printed in the RECORD a memorial. Is there objection?

Mr. MANN. Reserving the right to object, I do not know what the memorial is, but a great many memorials are presented to Congress every day. If we intend to print them in full in the RECORD, we shall have a big job on our hands. Is there a special reason for printing this in the RECORD?

The SPEAKER. What is the memorial about?

Mr. O'SHAUNESSY. It is a memorial signed by a body of citizens who seek suffrage in the District of Columbia.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I give notice that I hope in the end to object, because otherwise when memorials are sent to me and I am called to account because I can not have them printed in the RECORD I should be at a disadvantage.

Mr. MANN. Mr. Speaker, I will object, to save time. The SPEAKER. Objection is made.

YAKIMA INDIANS—IRRIGATION OF LANDS (H. DOC. NO. 1304).

Mr. STEPHENS of Texas. Mr. Speaker, I desire to have put in the basket and printed as a House document a memorandum from the Yakima Indians relative to the irrigation of their lands.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] desires unanimous consent to print as a House document a memorandum from the Yakima Indians. Is there objection?

There was no objection.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. MOON of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

Improving Calumet River, Ill. and Ind.: For maintenance, \$20,000: *Provided*, That the portion of the old channel of the Calumet River in sections 18 and 19, township 37 north, range 15 east, of the third principal meridian, in Cook County, Ill., which lies outside of the new channel lines established by the United States and shown on "Map of the Calumet River, Ill., from Lake Michigan to Calumet Lake, to accompany report of W. G. Ewing, United States attorney, to the Attorney General, respecting cession of right of way for improvement of said river under the act of Congress approved July 5, 1884," and which lies outside of the exterior limits of the turning basin to be established on said Calumet River in said sections, is hereby abandoned as navigable water of the United States from and after the time when the United States shall have secured title to the land necessary for the establishment of the turning basin at some point, to be approved by the Chief of Engineers, between One hundred and thirteenth Street and One hundred and seventeenth Street in the city of Chicago.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I desire to ask whether the Calumet River is wholly within the municipality of Chicago at the place where these improvements are contemplated?

Mr. MANN. The Calumet River is not wholly within the limits of Chicago or of the State of Illinois. It rises in the State of Indiana.

Mr. MOORE of Pennsylvania. I should like to get an answer to my question whether at the point where these improvements are to be made the city of Chicago extends on both sides of the Calumet River?

Mr. MANN. Where this turning basin is to be located, which is one of five proposed turning basins, it is wholly within the limits of Chicago.

Mr. MOORE of Pennsylvania. Wholly within the limits of the city?

Mr. MANN. The turning basin is.

Mr. MOORE of Pennsylvania. May I ask what will become of that part of the channel which is to be abandoned as navigable water of the United States, after the United States has acquired certain other parts of the land for a turning basin?

Mr. MANN. Under the project adopted a number of years ago for the improvement of the Calumet River in Illinois and Indiana, it was provided that the property owners might donate property, or might be required to donate property to straighten the river. At that particular place there was a bend in the river running out some distance from a straight line. The property owners donated property for the straightening of the river 200 feet in width. The title was accepted and the channel has long since been constructed. As a part of the project it was provided in a subsequent act of Congress that five turning basins should be located on this river. The Government desires to locate a turning basin at the lower end of where this bend formerly was, and the property owners there are expected, or somebody is expected, to furnish the land necessary for that.

In the original project it was stated that the old bend of the river should be abandoned as navigable water whenever the channel was straightened. That has been done. Of course the people there are to furnish the land necessary for the turning basin. This is for that purpose.

Mr. MOORE of Pennsylvania. Then the abandoned navigable water reverts to some one. To whom does it revert? That is what I want to get at.

Mr. MANN. The property owners there claim that it has already reverted to them.

Mr. MOORE of Pennsylvania. The channel which was acquired was acquired from somebody. From whom was it acquired?

Mr. MANN. It was acquired by donation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think it is worthy of note that the gentleman from Illinois [Mr. MANN], who is somewhat lax upon other great subjects, seems to be fairly well posted on this particular matter affected by the river and harbor bill. Later on I want to make some comments on that. I think my time under the five-minute rule has expired.

The Clerk read as follows:

Improving harbor at Chicago, Ill.: Of the amount appropriated in the river and harbor act approved July 25, 1912, for improving harbor at Chicago, Ill., \$100,000, or so much thereof as shall be necessary, may be allotted, in the discretion of the Secretary of War, for the repair of the existing outer breakwater and for maintenance dredging in the harbor; and the said sum, if so allotted, is hereby made immediately available.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. For a great many years the city of Philadelphia has endeavored to have written into this bill a provision for the survey of Frankford Creek and the Schuylkill River, both streams within the limits of the city of Philadelphia, upon which a business, national and international in character, is done. Frankford Creek penetrates a portion of the city and reaches an arsenal of the Government. It is in a deplorable state. Time and time again we have asked that that creek be opened and developed by the Government because of its navigability and because of the national and international commerce that passes over it. But in one or two instances the Government engineers reported that while the project is worthy they can not recommend an appropriation because it is wholly within the limits of the city of Philadelphia. In the case of the Schuylkill River it does more export business in the petroleum trade than any other part of the country, with the possible exception of Galveston, which has been coming along rapidly within recent years. We formerly had an appropriation for dredging, as we ought to have had, but under the recent policies of the River and Harbor Committee or under the Board of Engineers, with the concurrence of the committee, we have been denied any support whatever for the Schuylkill River. I can produce statistics, and shall ask to put them in the Record, which will show the vast amount of business of all kinds that is done on that stream.

I have shown by the chairman of the committee and other distinguished Members of the House that in many other instances when streams bisect the city the Government makes appropriations. It develops in Boston where Chelsea Creek is to be improved at the expense of the Government, although it bisects the city and is within the limits of the municipality. I have shown by the gentleman from Florida that the city of Jacksonville is situated on both sides of the River St. John, and the Government makes improvement of the channel, and properly so. Now, I come to the distinguished leader on the Republican side, who out of the abundance of his knowledge says that the Calumet River, upon which he seems to be thoroughly posted, bisects the city of Chicago and is within the city limits.

Mr. MANN. Oh, no; no.

Mr. MOORE of Pennsylvania. That portion which is to be improved by the appropriation.

Mr. MANN. I beg the gentleman's pardon; there is no appropriation in this bill for the improvement of Calumet River.

Mr. MOORE of Pennsylvania. But the committee has sanctioned and authorized work to be done on the Calumet River, which is bounded by the limits of the municipality.

Mr. MANN. Not in this bill.

Mr. MOORE of Pennsylvania. Well, jurisdiction is being exercised by the committee over this stream within the limits of the city of Chicago.

Mr. MANN. Will the gentleman pardon me for a question?

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. Here is an item in the bill, "Improving Calumet River, Ill. and Ind.: For maintenance, \$20,000." That project runs into Indiana. Do I understand the gentleman maintains that where a river runs into two States, the project covering the improvement in two States, that we can not spend the money in Illinois because it is within the city limits, and because it is within the city limits of some city in Indiana we can not spend it there; that although it is an interstate stream they could not spend the money on it at all?

Mr. MOORE of Pennsylvania. I do not object to the Government spending money on any navigable stream. That is what I am advocating; but I do object to spending it within the limits of a certain municipality and then refusing a Government appropriation to certain other streams in other municipalities.



Mr. MANN. The gentleman will have to give a better illustration than the Calumet River.

Mr. DAVIDSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. DAVIDSON. Is Frankford Creek in Philadelphia a navigable stream?

Mr. MOORE of Pennsylvania. Yes; it has a depth of water of 9 or 10 feet and coastwise vessels go in and come out.

Mr. SPARKMAN. Mr. Chairman, the gentleman from Pennsylvania [Mr. Moore] is quite likely correct in so far as the failure of the Government up to the present time to go inside of the corporate limits of the city of Philadelphia for the purpose of doing river and harbor work; but I want to say that there is no hard and fast rule on the subject; in fact, no rule at all. It so happens, maybe, that it has not been done in Philadelphia, and if it has not the reason no doubt is that the engineers have given no projects for work there.

As I have said, there is no rule on the subject, because there are many instances throughout the country—several that I know of—where work is being done or has been done on navigable channels extending into the limits of cities—improvements made within such limits. It is not confined to Chicago nor to Boston; it is not confined to any other city in the country. Whenever the engineers furnish a project for work inside the corporate limits of a city, the River and Harbor Committee considers such recommendation, and if found to be worthy we do not hesitate to recommend an appropriation, even though a part should be within the corporate limits of a municipality.

Mr. MOORE of Pennsylvania. Mr. Chairman, does not the Government make appropriations for the improvement of the Willamette River, which bisects the city of Portland, Oreg.?

Mr. SPARKMAN. It has been making appropriations for that river; yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I appeal to the gentleman and to the members of the Committee on Rivers and Harbors whether it is a fair proposition that in numerous instances appropriations should be made for the improvement and development of rivers that bisect cities, and then deny the same right to other cities that make application therefor.

Mr. SPARKMAN. That is not a question for our consideration here to-day. It is purely an academic question.

Mr. MOORE of Pennsylvania. But it is a very practical one.

Mr. SPARKMAN. If I were to answer the gentleman's question, I would answer it as I did a moment ago, that we can not lay down any hard and fast rule. I do not know why the engineers have not recommended a project for the rivers or creeks in the city of Philadelphia. I do happen, however, to remember this: That some years ago I think the then chairman of the Committee on Rivers and Harbors, Mr. BURTON, had some kind of an agreement, oral perhaps, with the officials in the city of Philadelphia by which it was understood that if Congress would do the work from the ocean up to the city, the city would take care of the work inside its limits.

Mr. MOORE of Pennsylvania. That was an understanding made with one mayor of the city; I remember it very well; but it grew out of the desire of Mr. BURTON to hold the appropriations for rivers and harbors in check as well as he could, and constantly the illustration of the Cuyahoga River, which bisects Cleveland, was used, and that has been the only precedent which the Board of Engineers has given, so far as I am informed.

Mr. SPARKMAN. I would say that I do not know anything about the merits of the proposition. It may not have been an equitable arrangement or it may have been; but assuming that it was unjust to the people of Philadelphia, yet the agreement does not necessarily lay down any rule for our action in the future. And I will say again, if a project is recommended to Congress for work inside the corporate limits of Philadelphia, it will receive fair consideration at the hands of the Committee on Rivers and Harbors.

Mr. MOORE of Pennsylvania. That is a fair statement from the gentleman, and I thank him. That gives us some hope.

Mr. MADDEN. Mr. Chairman, I am very sorry to see the gentleman from Pennsylvania trying to compare Frankford Creek, which is a meandering stream where the people owning the abutting property own to the middle of the stream, with the Calumet River. Frankford Creek is wholly within the city limits, it does not run into navigable waters, it is not navigable, and still the gentleman undertakes to compare it with the Calumet River!

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. Not now.

Mr. MOORE of Pennsylvania. The gentleman knows that the Government would not permit a bridge to be built across Frankford Creek.

Mr. MADDEN. The Calumet River is an interstate stream, 200 feet wide, having a navigable depth of 22 feet, through

which the great ships of the Lakes sail, and the gentleman complains about this all because he thinks appropriations are being made within the city of Chicago. There is no appropriation for the improvement of the Calumet River within the city of Chicago in this section of the bill, none whatever. There is simply a provision to abandon the navigability of a piece of land that formerly was the stream, in which there is now no water, and which it is intended to use as a turning basin. Frankford Creek! It is wholly within the city of Philadelphia. Trying to make it navigable!

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Trying to have the Government place itself in the position of having lawsuits brought against it by the owners of property who own title into the middle of the stream.

Mr. MOORE of Pennsylvania. We will absolve the Government from that at once.

Mr. MADDEN. I yield to the gentleman from Pennsylvania [Mr. Donohue].

Mr. DONOHUE. Mr. Chairman, I want to call the gentleman's attention to the fact that Frankford Creek is in my district, and I would like him to speak as kindly of it as he possibly can. [Laughter.]

Mr. MADDEN. Mr. Chairman, I have a great deal of veneration for Philadelphia and all its creeks, and I hope that Frankford Creek is sleeping as peacefully as Philadelphia is. The gentleman from Pennsylvania [Mr. Moore] seems to have overdone himself in his efforts to call attention to Frankford Creek. But if he had compared Frankford Creek with any of the smaller streams anywhere—

Mr. MOORE of Pennsylvania. I will be very glad to compare the condition of the commerce of Frankford Creek with almost any inland water you may mention.

Mr. MADDEN (continuing). But by comparing it with a great river like the Calumet, why that makes the gentleman from Pennsylvania ridiculous.

Mr. MANN. The gentleman from Pennsylvania says he desires to compare the commerce of this creek, or whatever it is, with any stream in Illinois. Why, this little Calumet River has a commerce of between 5,000,000 and 6,000,000 tons every year.

Mr. MOORE of Pennsylvania. I think I can show for one or two of the creeks—I know the Calumet River fairly well—

Mr. MANN. But the gentleman will find it very difficult to show any place in the eastern part of Pennsylvania that has the same amount of commerce.

Mr. MOORE of Pennsylvania. I said I would compare the commerce of Frankford Creek with any inland stream of Illinois.

Mr. DONOHUE. Mr. Chairman, I hope our friends over in Philadelphia will not get the impression from this debate that Frankford Creek or other waterways in that locality are being neglected by the Member from Philadelphia on the committee. I have done everything in my power to induce the Government engineers to recommend Frankford Creek for improvement, but they have failed to do so up to this time, and until they do so everyone here must know that this committee can not recommend an appropriation for that purpose. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to ask the chairman of the committee [Mr. Sparkman] a question.

The CHAIRMAN. The Chair recognized the gentleman from Illinois [Mr. Fowler].

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. Does the gentleman from Pennsylvania withdraw his pro forma amendment?

Mr. MOORE of Pennsylvania. I withdraw the pro forma amendment.

The Clerk read as follows:

Amend, page 36, line 7, after the word "available" by adding a new paragraph as follows:

"Improvement and repair of levee at Shawneetown, Ill., \$10,000."

Mr. SPARKMAN. Mr. Chairman, I think that was a matter we passed upon here yesterday afternoon which the committee refused to adopt.

The CHAIRMAN. The amendment was \$15,000.

Mr. FOWLER. Mr. Chairman, the chairman is right about the amount. Now, Mr. Chairman, and gentlemen of the River and Harbor Committee, I did my best to induce you to consent to an amendment to give relief to the people in my district at Shawneetown in the sum of \$15,000. I have studied the question over and have concluded that if you will consent to give an appropriation of \$10,000 that you will exemplify the old adage, "A stitch in time saves nine." If we fail to do this, I have no doubt, gentlemen, that the time will come when the great ravages of the mighty Ohio River will produce such havoc and destruction at that place that some Member of Congress from that district will come before your committee with a much

larger scheme of appropriation and you will consent then to the sum of \$50,000 or \$100,000, which might be saved here by a timely appropriation of \$10,000.

Mr. MANN. Mr. Chairman—

Mr. FOWLER. You did this some time ago—

Mr. MANN. Will my colleague yield?

Mr. FOWLER. Yes.

Mr. MANN. I do not wish to interrupt him in the middle of a sentence, but last year, when we made the appropriation at the time of the flood, was it not understood or expressly provided we would do something for Shawneetown?

Mr. FOWLER. I so understood it at that time.

Mr. MANN. Was not that in the nature of an adoption of the project for the protection of that locality?

Mr. SPARKMAN. There was so much confusion I did not hear the gentleman.

Mr. MANN. Last year, when we made the emergency appropriation on account of the floods in the Mississippi River and extended it up more or less to the Ohio and Illinois, I know my colleague either introduced a resolution or offered an amendment—

Mr. FOWLER. It was a resolution.

Mr. MANN (continuing). In reference to Shawneetown, and it was understood when we passed that emergency appropriation a portion of it might be made available for this sort of purpose. Is not that in the nature of an adoption of the project for that purpose?

Mr. HUMPHREYS of Mississippi. No. If the gentleman will pardon me, the emergency resolution that we passed simply anticipated an appropriation that was to come in the general rivers and harbors act then pending. It provided that this money—a million and a half of dollars—should be spent for the construction and repair of levees on the Mississippi River and its tributaries. The places where it was to be spent were to be selected, of course, by the Mississippi River Commission, and allotments made by that commission in such amount as in their judgment seemed necessary. I am not advised how much the Mississippi River Commission allotted to Shawneetown. Perhaps the gentleman from Illinois [Mr. FOWLER] can state.

Mr. MADDEN. Was it not allowed to Mound City?

Mr. FOWLER. It was allowed to Mound City and, as I recollect, a portion to Cairo.

Mr. HUMPHREYS of Mississippi. There was no provision that any particular place along the river should have the allotments made, but the whole matter was to be left in the discretion of the Mississippi River Commission in such places as in their opinion were entitled to it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague have five minutes more. We have taken up most of his time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is quite right in his reference to the disposition of the resolution which I had the honor to offer about a year ago for the improvement of the levee at Shawneetown. Then, as now, there was a very high stage of water in the river, with immense danger to the life and property of the people of that town and that section. The resolution provided for the immediate appropriation of \$25,000. It was considered by the House, and the gentleman from Illinois [Mr. MANN] gave his wisdom and his assistance to the adjustment of the emergency fund which had been provided for in the rivers and harbors bill, or in a special bill—I believe it was—or a special resolution. In that adjustment it was considered and agreed, as I recollect, that it should apply to the city of Shawneetown. I think that the gentleman from Illinois [Mr. MANN] is quite right in saying that that created a project. In fact, there was a project. In fact, there was a project created before that time, because the United States Congress had appropriated money for the purpose of aiding in the construction of that levee. An immense gap or break had been made in it some time before, whereby property and lives were destroyed. An appropriation of \$25,000 was made by Congress for the purpose of repairing it. The danger to-day is so great that, in my opinion, the levee is likely to break at any time. A few dollars spent now will save to the Government, in my opinion, in the future many thousands of dollars. I hope and trust, Mr. Chairman, that the Committee of the Whole House on the state of the Union will assent to this proposition, because it is not much in comparison with the amount of work which may be done or which may be required to be done in the future.

I know that there is a disposition on the part of Members of this House to allow no appropriations which have not been

provided for in the bill, but this seems to me to be a case of emergency. We may read in to-morrow morning's paper, or in the paper a few mornings hereafter, of an immense break in that levee requiring the expenditure of thousands of dollars to repair. But if it should stand the high water for this season, \$10,000 could be used next summer for its repair and the strengthening thereof, and put it in a condition where it would be able to protect the lives and property of the people of that section of the country.

Mr. MOORE of Pennsylvania. Does the gentleman think it is a wise policy on the part of the Government to enter into the construction of broken levees for the purpose of commerce and navigation?

Mr. FOWLER. I will say to the gentleman in reply, that I am not questioning the wisdom of Congress in its past action in this respect.

Mr. MOORE of Pennsylvania. If a dam should break, does the gentleman think the Government ought to appropriate money to repair the dam?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman may have five minutes more.

Mr. SPARKMAN. I shall have to object to that.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for an extension of three minutes of my time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I am aware of the fact that it is not good policy to run off after every idle dream for the improvement of creeks and small streams of this country, not navigable, like the one that flows through the city of the gentleman from Pennsylvania [Mr. MOORE], but when it affects a great thoroughfare like the Ohio River, then the importance is of such great value—

Mr. MOORE of Pennsylvania. That would take about all the money that the Government can afford to raise for all purposes.

Mr. FOWLER. I think one that would question the improvement of a river of that character ought to have his name written upon the scroll that I am told will be dropped down by the archangel of heaven on the great day of judgment, on which will be written the names of those who have committed crimes against mankind on earth. I trust, Mr. Chairman, that the gentlemen will give me this little appropriation, so that "a stitch in time may save nine." [Applause.]

Mr. SPARKMAN. Mr. Chairman, I would not concede that this would be a wise expenditure or a proper expenditure of public money, even if there was a project for it, or a project upon which it might be predicated. But there is really no project for this work. The fact that in an emergency last year that particular portion of the stream may have been embraced within the terms of the bill making appropriations for the Mississippi River and its tributaries would not furnish a project for any appropriation this year. The law under which that appropriation was made reads as follows:

That the sum of \$300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans and specifications and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and tributaries thereto.

That was intended—whether wisely or unwisely I shall not stop now to say—to meet a particular emergency, which emergency has passed. Now, if we are to make an appropriation every time a flood is threatened, every time an individual becomes frightened in regard to rising waters, then we shall soon reach the bottom of the United States Treasury. I hope this amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The amendment was rejected.

Mr. FOWLER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The vote has been announced, and it is too late for a division. The Clerk will read.

The Clerk read as follows:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, \$6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suit-



able and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order against this paragraph. This is a very important item, involving questions similar to those raised by the gentleman from Illinois [Mr. FOWLER] a moment ago.

The CHAIRMAN. Against the entire paragraph?

Mr. MOORE of Pennsylvania. The entire paragraph.

The CHAIRMAN. Beginning on line 14, page 36?

Mr. MOORE of Pennsylvania. Page 36, beginning on line 12, and ending with line 14, page 37.

I make this point of order, Mr. Chairman, in order that there may be a ruling on the question. I shall not discuss the merits of the proposition except in one or two instances as I go along.

The rules provide that "existing law may be repeated verbatim in an appropriation bill (Hinds, IV, 3814 and 3815), but the slightest change of the text causes it to be ruled out." I think the point is entirely different from the point raised yesterday. Here is a positive change of existing law.

The basis for the appropriation was the act of July 25, 1912, in which, among other things, it was provided that there should be an appropriation of \$6,000,000, similar to the appropriation made here, for a purpose which shall be considered extraordinary work. Now what was the purpose of the appropriation? It was to be considered extraordinary work, due to an emergency that prevailed at that time, which Congress intended to relieve.

Now the bill that come before us changes that law, removes the emergency entirely, and writes into the law an appropriation of the enormous sum of \$6,000,000 for a permanent and fixed purpose. My contention, Mr. Chairman, is that you can not write into a bill of this kind an appropriation involving a tremendous sum of money for a permanent improvement when the original provision of law was that the appropriation was made and was to be considered as for an extraordinary emergency work.

What are the facts? That in 1912 there were floods upon the Mississippi River, and the newspapers reported great loss of property and inundation of vast acreages, involving plantations upon which there were cotton and other products, and we read occasionally that lives had been lost, although there is very little specific information as to that. There is nothing obtainable in the hearings before the River and Harbor Committee indicating that there was any loss of life, and we have very little, except through the newspapers, as to the loss of property. But the War Department, in the annual report of the Secretary of War, throws some upon the subject of the floods upon the Mississippi River for which this emergency appropriation was made.

In the annual report for 1912 the Secretary of War gives us this first authentic information concerning these floods in the Mississippi for which this Congress last year spent about one-fourth of the entire appropriations made for commerce and navigation throughout all of the States of the Union. The Secretary of War reports:

In the latter part of March and early April of 1912 most disastrous floods occurred in the Mississippi River and its tributaries, the flooded area covering 15,000 square miles, or a tract larger than the combined area of the States of Maryland and Delaware or of Vermont and New Hampshire. Appropriations amounting to about \$1,240,000 were made by Congress—

I do not know just where those figures come from. The appropriation for emergency work was \$6,000,000, but he says—

Appropriations amounting to about \$1,240,000 were made by Congress for the purpose of providing tents, rations, and other necessities and services to alleviate the distress of sufferers in the flooded district. The work of distributing this relief was organized and carried out by the Quartermaster's and Subsistence Departments of the Army, under the general direction of Maj. J. E. Normoyle, of the Quartermaster's Department. The department was assisted in the work of relief by naval, revenue, and militia officers, by the Red Cross, and by local citizens' committees. The work was handled so quietly and efficiently that it has not attracted the public attention which it deserves. But it was directly instrumental in preventing a very large amount of suffering in what has proved to be one of the worst floods in the history of the Mississippi River. For a considerable period of time 185,000 persons were furnished daily rations, 20,000 persons were furnished shelter, and 50,000 head of live stock were provided with forage. I believe that the work was accomplished with an unusually small amount of wastage.

I call attention to the fact that this is not for the purpose of commerce and navigation, as contemplated by the river and harbor appropriation bill.

Mr. HUMPHREYS of Mississippi. The particular appropriation to which the gentleman refers there was not contained in any bill reported by the river and harbor committee, but was

appropriated for by the Committee on Appropriations for the specific purpose there mentioned.

Mr. MOORE of Pennsylvania. Then this \$1,240,000—

Mr. HUMPHREYS of Mississippi. That is not included in the \$6,000,000 at all. It is an entirely different matter.

Mr. MOORE of Pennsylvania. This \$1,240,000 is in addition to the \$6,000,000, and in addition to the \$2,500,000 additional that was granted last year for work upon the Mississippi River.

Mr. HUMPHREYS of Mississippi. No; the bill last year carried \$6,000,000 for the Mississippi River.

Mr. MOORE of Pennsylvania. Plus two and one-half million dollars.

Mr. HUMPHREYS of Mississippi. No; it carried three and one-half million plus two and one-half million.

Mr. MOORE of Pennsylvania. For Mississippi River work—I beg the gentleman's pardon.

Mr. HUMPHREYS of Mississippi. I suppose the gentleman is talking about the Mississippi River from the Head of Passes to Cape Girardeau.

Mr. MOORE of Pennsylvania. Yes.

Mr. HUMPHREYS of Mississippi. That was \$6,000,000, and this particular appropriation of \$1,240,000, to which the gentleman is now referring, was made by the Appropriations Committee not for the purposes of navigation at all but for the purpose of caring for about 150,000 people, who were rendered homeless and shelterless and who were without food or raiment. It had nothing whatever to do with the amount carried in this particular item or in the similar item which was carried in the last bill.

Mr. MOORE of Pennsylvania. This was in addition to the \$6,000,000 that was specifically appropriated for this emergency work. Then, leaving out the smaller appropriations, that would make \$6,000,000 plus \$1,240,000, which would make \$7,240,000 appropriated for emergency work.

Mr. DAVIDSON. Why does the gentleman persist in using the word "emergency" all the time, when, as a matter of fact, this appropriation is a general one, just the same as previous appropriations? It was only considered as emergency work in order that it might be carried on more expeditiously under the eight-hour law.

Mr. MOORE of Pennsylvania. That is the very point I am making, that the reason we were induced to appropriate \$6,000,000 last year was that it was represented to Congress that there was an emergency; and it was so written in the bill, because the gentlemen did not dare ask for \$6,000,000 to build levees along the Mississippi River without having an emergency. And that emergency has now passed.

In the present bill the line "which shall be considered extraordinary emergency work" is eliminated, and now we are introducing a permanent project on the strength of a law that passed last year, which is existing law, providing that there was an emergency.

The reason for the enactment of the law, the basic law upon which this bill is based, was the representation to the House that an emergency existed in the Mississippi Valley.

Mr. SPARKMAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SPARKMAN. The gentleman's objection is that we have departed from the language of the bill last year?

Mr. MOORE of Pennsylvania. That is my point.

Mr. SPARKMAN. The emergency having passed, we are justified in departing from the language. That was to meet the emergency.

Mr. MOORE of Pennsylvania. My point is that the representations made to the House upon which it appropriated \$6,000,000 last year was that there was an emergency, and that this year the committee has taken language out of the bill and has undertaken to write into the law that we shall hereafter appropriate \$6,000,000, or whatever amount is agreed upon hereafter for the permanent construction of levees along the Mississippi River.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HUMPHREYS of Mississippi. Does the gentleman believe that making the appropriation of \$6,000,000 would render the paragraph more subject to a point of order than it would have been if the amount carried had been \$4,000,000?

Mr. MOORE of Pennsylvania. I think the fact that you have followed in this bill the exact amount—attempted to follow the exact language of the bill of last year—vitiate the paragraph in the bill this year because you have eliminated the emergency part of it.

Mr. HUMPHREYS of Mississippi. The language is the same that has been in the bill for 20 years except in amount. Some-

times it has been three million, sometimes three and a half million, sometimes four million, and sometimes six million has been carried. The rest of the language is the same, except that last year, in view of the decision of the Supreme Court, which was rendered just before the reporting of the bill, which declared that this was not emergency work, and as always before that we assumed that it was, we put in the provision last year that that should be considered emergency work.

Now we have reverted to the language that we have adopted for the past 10 or 15 years. If this paragraph is subject to a point of order, then all of the paragraphs that have appeared for the last 15 or 20 years were subject to a point of order, because they are identical in language except that we carry an appropriation of six millions, and heretofore sometimes it was two millions, sometimes three, and sometimes four.

The fact that it was put in last year making it emergency work has no bearing whatever upon the propriety of this particular legislation under the rule, because the gentleman will note that this money is being expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, and so forth, "in such manner as, in their opinion, shall best improve navigation and promote the interest of commerce at all stages of the river."

The expenditure of the \$6,000,000 is limited to that particular purpose, but the emergency which confronted us last year, in the opinion of the committee, had passed, and therefore this work was not taken out from the operation of the eight-hour law. That is all there is to it.

Mr. MOORE of Pennsylvania. I want to answer the gentleman, if the Chair will indulge me a moment. I am not contending against the appropriation of public money for the construction of levees, for the improvement of private property, if Congress shall determine that that is the wise thing to do. But I say to the gentleman that this \$6,000,000 written into the law last year because of an emergency was never written in before.

Mr. HUMPHREYS of Mississippi. But \$4,000,000 was written in before and three and a half million dollars was written in, and the language of the law—take, for instance, the bill of 1911—is identical with the language contained in this bill, except that the bill of 1911 said three millions and this says six.

Mr. MOORE of Pennsylvania. Was the emergency work mentioned in the bill of 1911?

Mr. HUMPHREYS of Mississippi. It was not, and has never been mentioned except in the bill for 1912.

Mr. MOORE of Pennsylvania. The appropriation for \$6,000,000 was written in for emergency work and only because there was an emergency?

Mr. HUMPHREYS of Mississippi. If the appropriation for last year had been for \$3,000,000, the words exempting it from the operation of the eight-hour law would no doubt have been put in, because it was desired by Congress that the commission might be able to repair these breaks before another flood came. I am very sorry indeed to say that although it was written in as an emergency we were not able to repair the levees. In my own district, having worked day and night in an effort to close that breach, we to-day have been notified by telegrams from that country that the flood that is now in the river has broken through this crevasse that we were not able to close, and the country is now being overflowed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I will ask the Chair to indulge me for a moment or two. Suppose a dam should break in Pennsylvania, as one did at Johnstown in 1889, and 5,000 lives or thereabouts should be destroyed and millions of dollars of property lost, I question whether Congress would consider reconstructing that dam or whether it would consider making reparation for those lives and that property lost. I am simply saying to the gentleman, in answer to his proposition as to the Mississippi, much as I deplore the breaking of levees there, it seems to me he is putting into this river and harbor appropriation bill, intended for the promotion of commerce and navigation, a clause that has no business here. If he would take this question up as an entirely new question, eliminate the Mississippi Commission altogether from this bill, or give it a separate department, I care not which, then we would have the proposition before us in such a way that we could discuss it fairly. But here, on the pretense of an emergency last year, the gentleman comes in this year for exactly the same appropriation, when the emergency is passed, and he asks Congress to

bind itself to a project that will cost \$100,000,000 and postpone for a long time work on other projects.

Mr. HUMPHREYS of Mississippi. Always with these words of limitation, heretofore and now:

In such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am not going to press this matter unduly. I base the point of order on the ground that there has been a distinct change in the text of the law in the submission of this bill. On that I rest the point.

Mr. LAWRENCE. Mr. Chairman, I want to be heard a moment upon the point of order. I think it will expedite the consideration of the bill if there is a ruling on the point of order before we discuss the merits of the question. The gentleman from Pennsylvania [Mr. Moore] makes the point of order that this paragraph changes existing law and therefore is not in order in this bill. It is true that we can not change existing law in a general appropriation bill, but it is also true, and it has been held over and over again, that river and harbor bills are not general appropriation bills.

The CHAIRMAN. There is no question about that.

Mr. LAWRENCE. Legislation is in order in a river and harbor bill. The only question, then, is whether the Committee on Rivers and Harbors has exceeded its jurisdiction. This is a paragraph relative to the improvement of a river, and it is therefore within the jurisdiction of the committee, so even if it were new legislation, which I do not concede, it would be in order.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order against the whole paragraph which provides for the improvement of the Mississippi River from Head of Passes to the mouth of the Ohio River, and so forth, and for continuing improvement with a view to securing a permanent channel depth of 9 feet, \$6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and so forth.

The point the gentleman makes, as the Chair understands it, is that it changes existing law, and that the language of this paragraph is at variance with the general law authorizing the appropriation. That, of course, raises the question of the jurisdiction of the committee. It has been held time and again that the River and Harbor Committee is not one of the general appropriation committees, and that the restrictions as to legislation provided by the rule to which the gentleman refers do not apply to this bill. The question then left, and the only question for decision is, is the subject matter of the paragraph within the jurisdiction of the Committee on Rivers and Harbors. The Chair thinks it is, and the point of order is overruled.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I think the Chair is entirely correct in holding this paragraph is not subject to a point of order so far as the language in the paragraph itself is concerned, but I am inclined to believe that if the paragraph clearly indicated the class of work which is largely done under it, it would be held subject to a point of order, for this is a bill for the improvement of rivers and harbors in the interest of navigation, and it is not a bill for the protection of private property from inundation. Yet everyone who is at all acquainted with the facts knows that the work that is being done, and has been done on the Mississippi River, for which large portions of these appropriations are used, are for the building and repair of levees whose primary object and purpose is to protect private property from inundation.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like for the gentleman to quote some authority for that statement, which runs counter to the judgment and the reports of the engineers and the Mississippi River Commission—all of them.

Mr. MONDELL. No one in the country—no one I can think of—more fully understands and appreciates the truth of what I have just said than the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Does the gentleman quote me, then, as his authority? Am I the only authority the gentleman can quote to support that? If so, I would like to testify.

Mr. MONDELL. I think if the gentleman from Mississippi would here and now admit—which he will not do, and which he might do at some other time and some other place—that these funds are used for that purpose, I think he would be held to be a very high authority on that subject.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. In a moment. I think it is about time for us to begin to be honest with ourselves and fair with the country. If the expenditure contemplated was writ in plain language in the bill, the item would go out on the point of order. Now I will yield to the gentleman from Pennsylvania.



Mr. MOORE of Pennsylvania. Mr. Chairman, is the gentleman aware of the fact that bills have been introduced at this session of Congress providing for the payment of damages for riparian rights done by floods along the lower Mississippi?

Mr. MONDELL. I was not aware there had been any recent proposed legislation on the subject, but I know there have been propositions for legislation of that sort. The gentleman from Illinois [Mr. FOWLER] eloquently, forcibly, vehemently appealed to us for an appropriation admittedly for the purpose of protecting an old historic town in his district, and no member of the committee suggested that they refused to appropriate on the ground that it did not come within the purview of the bill, but because, forsooth, some engineer had not reported favorably upon it. There will be vast sums of this \$6,000,000 spent on works that can have no other real object or purpose than to protect private property along the lower Mississippi. I am not here to quarrel with that policy; I am here to ask gentlemen to acknowledge it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have five minutes additional, Mr. Chairman.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I am here to ask gentlemen who live along the Mississippi to be honest and frank and fair about these things and admit that we have long entered upon the work of spending the people's money to protect the property of individuals. We have spent \$121,000,000 upon the Mississippi River, not taking into consideration the sums spent on the various harbors along that river, on which many millions have been spent.

That \$121,000,000 has been largely spent for the purpose of protecting private property, and yet the bills carrying these appropriations have contained no word or suggestion of this purpose for which the money was largely being spent. And gentlemen at this late day, when it is known to all the world that this is what we are doing, ask upon what information I base that statement. Levees are constructed and repaired. Many miles of them are for the purpose of protecting private property or they have no value. This is a great river, the greatest in all the earth, draining an immense basin, having great tributaries hundreds of miles in length, and the people of the States and communities bordering these streams and tributaries have for many years been draining their swamps and their lowlands, adding to these annual floods, carrying devastation to the lower river. I would be the last to say that there was not a responsibility on the part of the American people to do something for the protection of the property and the rich lands along that river from the devastating floods that flow into it from the Missouri, the Ohio, the Red, and all the great streams that flow into it. The only complaint I have is, first, that you are not fair and frank about it, that you are not honest in regard to it with yourselves and with the country, and, secondly, that, refusing to be frank and honest and fair about it, the system under which the work is being done is wasteful, and in the long run must be the most gigantic failure ever undertaken by man.

Mr. DYER. Will the gentleman yield?

Mr. MONDELL. The constant building up of levees on either side of this mighty stream and attempting to control its flood waters, which rise higher and higher and higher until they will overtop any levee you may build, though you drain the Treasury. You can not confine within a narrow channel the enormous floods that are increasing rather than decreasing as the years go by—

Mr. DYER. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. MONDELL. In just a moment.

Mr. DYER. The gentleman's time has not expired, but I just wanted to ask a question. I want to ask what plan the gentleman would recommend to Congress to save the great overflow of this river and protect the land adjacent thereto?

Mr. MONDELL. I see many men before me who are better qualified to formulate and recommend proper plans.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has again expired.

Mr. MONDELL. May I have five minutes more?

Mr. SPARKMAN. Mr. Chairman, I ask that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection? [After a pause.] The Chair

hears none. Without objection, the gentleman from Wyoming [Mr. MONDELL] will proceed for five minutes.

There was no objection.

Mr. NYE. Will the gentleman give me just a second?

Mr. MONDELL. Yes.

Mr. NYE. On the subject of floods I ask unanimous consent to print a letter from a friend and a man well known in Washington, a scientific investigator, Mr. Freeman Thorp. I do not know that he has written anything before for Congress on the subject, but this correspondence is entirely germane. Without stopping to read it I ask unanimous consent to print it in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The following is the letter referred to:

HUBERT, MINN., January 20, 1913.

Hon. F. M. NYE,  
Washington, D. C.

DEAR SIR: I see that the House is to discuss what to do with the Mississippi River for its improvement and the control of its floods. Why not consider the subject broadly? I live near the headwaters of the Mississippi where the floods start, and I can from my own researches suggest a practical method of ultimately eliminating the danger factor from the Mississippi flood problem and at the same time solving other important problems closely allied to it. Scientific investigation, conducted along the same lines by the late Prof. W. J. McGee and myself for many years, shows that on all the great central plateaus of the North American Continent we are slowly but surely losing our ground-water supply because more of the precipitation runs away to the oceans than ever comes back as floating vapor, the only way it can come back. The enormous surface run-off that causes the floods, great as it is, is only two-thirds as great as what goes to the oceans by seepage and underground currents. The underground part we can have little control of except to a limited extent by artesian wells. But the direct surface run-off we can and for many reasons of vital importance ought to prevent. First, because on all the uplands of the Northwest it is all needed in the soil that it falls upon; second, because in its run-off it carries with it by soil erosion some of the best soil to swell the floods to a dangerous height with muddy water. This is a constantly increasing waste and danger, as we bring more and more of the land under cultivation by the mistaken old methods that proceeded on the assumption that good farming required surface drainage that would run the rainfall off as direct and quickly as possible. Hence the greater the floods, and as we build necessary levees to prevent flooding the lower Mississippi Valley, the channel of the River between the levees receives an annual deposit of mud at the bottom, making it necessary to raise the levees higher and higher to insure safety, and in time the lower Mississippi is going to be up in the air. When by stopping this surface run-off from all the dry upland cultivated fields, pastures, meadows, and forests, as I have been doing for years on my own land and as it is thoroughly practical to do on 400,000,000 acres in the upper watershed of the Mississippi, we can hold back a hundred times as much of what would otherwise be flood waters as can be held back by all the big reservoirs that can be practically made in that territory. All this except on forest lands can be done by present and prospective farmers by the method I have worked out without any cost to the farmer and no other cost to the Government than to show the farmer how to do it with great benefit to himself in greatly increased crop yields and in preventing soil erosion, preserving and increasing the fertility of his soil and preventing on prairie lands the waste of soil drifting, which my method does. The method in brief is for all the semiarid and dry sandy upland fields under cultivation a system of contour plowing and disking that leaves the surface of the field with horizontal parallel ridges that hold all of the precipitation exactly where it falls, preventing soil drifting and the usual run-off with its attendant soil erosion, and in practice these ridges do not interfere with cultivation and harvesting to any material extent, and it costs no more to prepare a field for a crop by this method than by the old methods, and when prepared by this new method there will be no run-off, and these ridges remain to hold all the precipitation when these fields in the rotation of crops become meadow and pasture land. With very little labor lands that are now and are to remain in permanent pasture or forest can be put in condition to hold nearly all the precipitation and thereby double the grazing capacity and forest growth. I have sandy land prepared in this way from which not one drop of water has run off in 17 years, the average precipitation being about 30 inches, and there are many million acres of just such land in Minnesota to which this method can be applied and it will hold back more water than all the many reservoirs in our State which contains nearly all the reservoirs that hold back the Mississippi River waters except the irrigation reservoirs, practically none of which are in Minnesota. I do not antagonize reservoirs wherever practical to hold back flood waters, especially in humid regions, but holding the precipitation on and in the soil of nearly half a billion acres of land in the upper Mississippi watershed is of such vastly greater importance that any plans for the improvement of this great river should take into account this practical method of lessening its floods and eliminating a deposit of mud in its channel that scientific investigation has brought to our hands.

With great respect,

Respectfully,

FREEMAN THORP.

Mr. MONDELL. Mr. Chairman, the gentleman from my native State, for I was born on the banks of the Mississippi, asked me what plan I would propose. I do not pretend to be a river expert, but this must be patent to anyone who has given attention to the subject at all, namely, first, that the floods of the Mississippi, with the draining of the lands along its border, increase rather than decrease; and, second, that there can be no system of storage reservoirs, no matter how large they may be, on the upper ranges of the river which will to any considerable extent reduce the volume of its mighty floods, particularly when various branches rise in flood at the same time; third, the building of parallel lines of levees leaving but a

narrow channel can have no other effect than to confine these volumes until they rise and overtop any levees you may build.

The only way, in my opinion, to control the Mississippi River is to abandon to overflow in high flood a reasonable amount of the lowland along the stream. Build such low levees as may be helpful for navigation and protect those lowlands from ordinary rises, but not high enough to protect them from great rises. Further back from the river, at reasonable distances, build your lines of levees that will preserve the lands lying on either side of them from all the mighty floods of the stream. That means that in the intermediate territory it will not be possible to build as permanent structures as people owning those lands might desire to do. That would require that those lands should be utilized for the growth of certain classes of crops, but it would fix and make certain their values. Back of the outer lines of levees the country would be perpetually protected from inundation.

But we are not doing that. We are not attempting to do anything of the sort. We are patching here and there. We are making appropriations in times of great floods which we call "emergency appropriations," simply for the purpose of making a bad matter worse, and after we have piled up all these mighty mounds of earth and stone, and the Missouri, the upper Mississippi, the Ohio, the Red, and the Platte hurl their mighty floods into the lap of the Father of Waters. At the same time these great works, built at the expense of hundreds of millions of dollars, are as absolutely ineffectual and valueless as though they were built of straw, and lands that might be protected, and lands lying back from the river at some distance that might be made perfectly safe from this inundation, are frequently and periodically swept by these swelling floods.

I will join the Committee on Rivers and Harbors in doubling those six millions if that committee will frankly state its purpose to protect the lands along this great river and adopt a plan under which that can be effectively done.

Mr. RANDELL of Louisiana. I have listened with a great deal of interest, Mr. Chairman, as I always do, to the very learned and eloquent discourse of the gentleman from Wyoming [Mr. MONDELL]. I fear that he has been led into some errors in regard to this measure to-day, as he undoubtedly was guilty of making some mistakes in his statements yesterday in regard to certain other projects. He tries to impress upon the House the idea that we are building levees on the Mississippi River without any warrant for the same, entirely for the purpose of protecting private property and without any reports of engineers or anyone else in favor thereof.

Now, Mr. Chairman and gentlemen of the committee, it is a fact that more than 30 years ago all works on the Mississippi River south of Cairo were placed in charge of a great commission known as the Mississippi River Commission, composed of three Army officers of the Engineer Corps, one officer from the Coast and Geodetic Survey, two of the greatest engineers that could be found in civil life, and one lawyer. The lawyer, let me say, for many years has been Judge Robert S. Taylor, of Fort Wayne, Ind., who lives many miles from the nearest part of the Mississippi River.

This great commission, created by act of law in 1879, and since then given additional authority in every river and harbor act passed since that time, has studied the various problems connected with the Mississippi River, and under authority given to it by law has expended considerable sums of money in building levees, on the theory that those levees were of material aid to commerce and were necessary to improve the navigation of the river.

Mr. MONDELL. Mr. Chairman—

Mr. RANDELL of Louisiana. I decline to be interrupted, Mr. Chairman, as I have only five minutes. Those reports have been printed year after year along with the reports of the Chief of Engineers of the Army. Anyone can find them.

There has been some little difference of opinion, I admit, among the members of that commission, but ever since its creation a majority of its members have held, and to-day hold, that it is necessary to build levees along the banks of the lower Mississippi River in order to promote navigation, and that levees are material aids to commerce. So in that particular the gentleman is entirely wrong. The paragraph in question provides that the commission shall expend the sums at their disposal "in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river."

Could legislation be better safeguarded than that? Could a better plan be adopted than to commit the expenditure of this money to such a commission as I have described? Can higher-

grade men be found anywhere in this United States, and more disinterested men?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDELL of Louisiana. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The committee has already had 10 minutes on this paragraph.

Mr. RANDELL of Louisiana. I move to strike out the last two words of the next paragraph.

The CHAIRMAN. The gentleman moves to strike out the last two words.

Mr. DYER. Mr. Chairman, I would like to offer an amendment as a new section to this paragraph.

Mr. GARRETT. Mr. Chairman, I make the point of order that the debate was closed only on the paragraph. If the gentleman moves to strike out the last two words, that is an amendment. He is entitled to it.

The CHAIRMAN. Debate has been closed on the paragraph.

Mr. GARRETT. But not on all amendments thereto.

Mr. RANDELL of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. RANDELL] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. RANDELL of Louisiana. Now, Mr. Chairman, I shall try not to detain the House long.

Mr. MANN. Mr. Chairman, I will ask unanimous consent if the gentleman desires five minutes, but it is perfectly patent that when you close debate on a paragraph that is not subject to debate at all except in the way of amendment—

The CHAIRMAN. The gentleman proposes to proceed by unanimous consent.

Mr. RANDELL of Louisiana. I asked unanimous consent.

Mr. MANN. Oh, I beg the gentleman's pardon.

Mr. RANDELL of Louisiana. Gentlemen, it is a fact that considerable sums of money have been expended on this river for levees, and I assume that considerable other sums are going to be expended for levees on that river. But it presents a unique situation, different from any that exists anywhere else in this Union.

Let me remind the gentlemen of this House that the three political parties that held their conventions last summer all recognized this river as presenting an entirely different problem from those presented by any other waterway in the Republic. All of them declared that the control of floods on the Mississippi River was a national problem. The accumulated waters of 24 States flow down into that river. It is a greater burden than the local people can possibly bear, but they have struggled nobly.

Within the last 30 years the National Government has expended about \$26,000,000 to aid in the construction of levees along the banks of the Mississippi for the purpose of protection against floods and for assisting navigation and commerce. The National Government would not have expended it if the commission had not thought it was going to aid commerce. At the same time the local people, whose property was frequently overflowed and whose losses were very severe, have expended more than twice that sum—have expended on these great levees over \$60,000,000. My own State of Louisiana every year pays out fully a million and a half dollars for levees.

The gentleman from Wyoming [Mr. MONDELL] says that these levees do not protect the adjacent lands from floods. This is a mistake. There are occasionally great floods which these levees are inadequate to control, but in the main, gentlemen of the House, the levees do furnish protection. Between 1903 and 1912 we had no disastrous overflows. From 1897 to 1903 there were no overflows. But if we did not have the levees there would be a serious overflow every spring. It is necessary to have the levees in order to protect our lands against the freshets that come down the river every year.

The gentleman suggests a second line of levees. That is probably all right, and I will be glad to join him on it. Why did he not say what was in his mind? Why did he not tell us to impound the rainfall at the headwaters of the various streams in order to use those waters for irrigation?

I was delighted to make a speech for the gentleman's irrigation project when it was up here several years ago, and I will gladly vote any reasonable sums to irrigate the arid lands anywhere and everywhere in this Nation which belong to the public. But, Mr. Chairman and gentlemen, let me say to the Members of this House that when a gigantic problem confronts them and only one effective measure of solving it has been suggested by the greatest engineers in the world, they will naturally adopt



that means. The levee system may not be effective in all instances, but it is the best that can be done. We have been following it for 200 years with a great measure of success. The reservoir system which is advocated by some has not met general approval from the engineering world. Mr. M. O. Layton, its chief exponent, says it would cost from \$500,000,000 to \$1,000,000,000 for reservoirs on the Ohio and upper Mississippi alone, without considering the many other streams which form other floods down the lower Mississippi.

The CHAIRMAN. Are the pro forma amendments withdrawn?

Mr. RANDELL of Louisiana. I withdraw the one I made.

The CHAIRMAN. The amendment of the gentleman from Tennessee [Mr. McKellar] will be reported.

The Clerk read as follows:

Amend by adding after the word "appropriated" in line 13, page 37, the following: "And provided further, That waters wholly or partially within municipalities along said Mississippi River and on watercourses connected with it may be improved upon paying one-half of the cost thereof to said commission, the other half of the cost thereof to be paid from the amount herein appropriated."

Mr. McKELLAR. Mr. Chairman and gentlemen of the committee, that amendment is offered on behalf of the city of Memphis, in the State of Tennessee. That city is situated at the junction of Wolf River and the Mississippi River. Nonconnah Creek is just south of the city. For all time the city of Memphis has been on a bluff high enough not to be injured by the flood waters of the Mississippi River until the building of levees on the Arkansas side. Since those levees have been built the waters have come up higher and higher each year until the floods of 1912 submerged the northern part of our city on Wolf River and all of the lower part of the city. The engineer in charge reported to the Mississippi River Commission, and it is to be found in the report, that last year there was destruction of property of the value of about eleven hundred thousand dollars in the city of Memphis by reason of these floods. It destroyed or put out of commission our gas system, it put out of commission our artesian water system in part, drove hundreds of families from their homes, and caused the greatest loss of property and injury for a time to the health of our city.

Practically no moneys have been expended for a period of more than 16 years in the Memphis Harbor, except some five or six thousand dollars perhaps, and now the object of this amendment is to get a reasonable proportion of protection for this city from the ravages of the river. We do not come here and ask you to give us entire protection, although we believe our damage is due to the building of these levees. I do not say that we are against this project, because I am heartily in favor of building levees along the Mississippi River. [Applause.]

But while we build them surely it is not the desire of any fair-minded man to permit the destruction of property in any city by reason of the building of the levees, and surely we ought to be protected in part, and that is all we ask in this matter. By this amendment it is provided that this work shall not be done until such municipality shall put up one-half of the cost of improvement of this harbor. Is not that a fair proposition? Has any other applicant in any other portion of this bill come before you with a similar proposition? I appeal to you, gentlemen. I was not here during the deliberations of the committee, I am sorry to say, and did not have the privilege of a hearing before the committee on this amendment, but I now appeal to members of the full committee to do an act of simple justice to the city of Memphis.

Mr. CALLAWAY. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. CALLAWAY. The gentleman says the damage that was done was due to the building of levees put in by the Government on the other side.

Mr. McKELLAR. I did.

Mr. CALLAWAY. And the gentleman thinks the Government ought to bear one-half the expense?

Mr. McKELLAR. I do.

Mr. CALLAWAY. If the Government is liable for the damage, why should it not be liable for the whole expense?

Mr. McKELLAR. If the gentleman will allow me—

Mr. CALLAWAY. Let me finish. If the Government is liable for the damage done, why should not the gentleman ask for protection for the whole sum?

Mr. McKELLAR. I would be very glad to do it, but I felt that that was as much as I could get. I am asking for what I think the committee will give me.

Mr. CALLAWAY. The gentleman is not asking for justice; he is only asking for what money he can get.

Mr. McKELLAR. I am asking that Congress will do Memphis justice in part; if they could not do it in whole, I ask it for half of it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McKELLAR. I ask for five minutes more.

Mr. MANN. Reserving the right to object, Mr. Chairman, although I shall not object, the debate on the paragraph is exhausted and can only proceed by unanimous consent.

The CHAIRMAN. An amendment is pending.

Mr. MANN. If the Chairman will permit me to read the rule on the subject he will see that if debate is closed on the paragraph it is closed on all amendments.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. Paragraph 6 of Rule XXIII says:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment to be decided without debate.

The CHAIRMAN. The Chair thinks the gentleman from Illinois is correct.

Mr. MANN. I do not object to the gentleman's request to proceed by unanimous consent.

Mr. McKELLAR. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The committee has already ordered that debate shall be closed, and the gentleman from Tennessee is only proceeding by unanimous consent.

Mr. McKELLAR. Mr. Chairman, the gentleman from Texas [Mr. CALLAWAY] has asked why I do not ask for all of these improvements. I want to be fair with this committee. It will take a very considerable sum of money to protect the northern part of our city, which is on Wolf River, as well as on the Mississippi, from these overflows, if there is another one like that of last year. A simple dirt levee will not do the work, because there is a bayou, as we call them down there, but which are commonly known as creeks, that runs through the entire city, and some arrangement will have to be made to take care of that water. The city of Memphis is not responsible for this visitation of floods. That city had never been overflowed until the building of these levees.

Mr. CALLAWAY rose.

Mr. McKELLAR. Mr. Chairman, I have only five minutes, and I trust the gentleman will excuse me. I stated to him the position I have taken in my appeal to the committee.

Mr. CALLAWAY. I want to ask just a simple question.

Mr. McKELLAR. Very well, I yield for a question.

Mr. CALLAWAY. I understood the gentleman to say that he was in favor of the levee system and that the levees were the cause of the injury, and that now he wanted the Government to protect them against the injury by the levees that he was in favor of.

Mr. McKELLAR. I will answer the gentleman's question. I am in favor of levees, absolutely, unequivocally, beyond the shadow of a doubt, but I am not in favor of building the levees on one side to protect the people on that side of the river, without giving at least a measure of protection to the people on the other side of the river. Is not that a fair proposition? Anyone who is familiar with that great river and the territory through which it flows, and anyone who is familiar with the project, knows that we have to have levees along its banks.

All that I am asking is that provision be made to protect, in part at least, the cities along that river. I appeal to you in the name of fair play. As I say, this city was up and beyond any overflow whatever, by its natural position along the banks and along those high bluffs, until the Government and the levee districts together have built up these levees on the other side, thereby raising the stage of the water until it overflowed our city. I ask you for help because of the injury that it did to our city. It can hardly be imagined, and the Mississippi River Commission has reported that about eleven hundred thousand dollars' worth of property was destroyed in the city of Memphis last year, that the gas works were put out of commission, and that the waterworks in the northern part of the city were put out of commission. Hundreds of families were driven from their homes, and every species of property destroyed. We had to haul water around the city in carts for the people until we got relief because of the backing up of the sewers into the water mains. It seems to me that this amendment ought to pass.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. All debate has been closed on this amendment. The gentleman from Mississippi asks unanimous consent to address the committee for five minutes. Is there objection? There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to call the attention of the gentleman from Tennessee [Mr. McKellar] and of the committee to the fact that the bill now contains a provision almost identical with the one that he offered, beginning on line 8, page 37, as follows:

*Provided further,* That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated.

The only difference in this proviso and the amendment offered by the gentleman from Tennessee is that his amendment leaves out the words "in the discretion of said commission," and makes it read, in substance, that the Mississippi River Commission may make these allotments, provided the community contributes one-half of the amount. Under the rule which has always obtained, under the interpretation put upon the statutes universally by the Chief of Engineers when the language of the statute is that they "may" make such improvements, it is interpreted to be mandatory that the work be done.

Mr. McKellar. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. McKellar. If the municipality is willing to put up one-half of the funds, might it not be reasonably supposed that the commission ought to do it?

Mr. HUMPHREYS of Mississippi. I will answer that. Under the gentleman's amendment the Mississippi River Commission will be compelled to contribute half of the money whether in their judgment the work ought to be done or not. Under the law as it stands to-day, and as it will be under this bill as now written, they may contribute not only half but all of it, if they think it ought to be done.

But if the city of Memphis thinks that her waterworks or her gas plant is in danger, without any reference on earth to the interest of navigation, without reference to any interest the Federal Government may have in the matter; if the city of Memphis, under the gentleman's amendment, sees fit to put up the money necessary to protect her waterworks or gas house, they will come to the Mississippi River Commission and compel the Federal Government to come in and make an appropriation to bear half the expense. I submit, Mr. Chairman, that that is no concern whatever of Congress and that it is in a spirit of unfairness, it is an ungenerous spirit on the part of the city of Memphis that sits upon a high hill, surrounded by these deltas from which it draws its trade and its prosperity, and for the upkeep of the levees which protect them she pays not one nickel in taxes. I say, it is an ungenerous spirit for that city to ask those people who have, as Mr. RANSDELL has just told you, contributed out of their own pockets and out of their taxes \$60,000,000 of money to maintain these levees, to share her municipal burdens, or to ask that the Federal Government take from those people the money that will otherwise be spent for levees, in order to help the city of Memphis, where the assessed value of taxable property exceeds the assessed value of property in all those deltas combined, in order to help that city build or protect her gas plant or her waterworks. So, I hope, Mr. Chairman, that the amendment will not prevail.

Mr. McKellar. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced the "noes" seemed to have it.

On a division (demanded by Mr. McKellar), there were—ayes 6, noes 41.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment to the paragraph just read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, page 36—

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Has that paragraph been read?

Mr. MOORE of Pennsylvania. This is an amendment to the Mississippi River paragraph.

Mr. MANN. The gentleman puts in an amendment ahead of what has been read.

Mr. LAWRENCE. Mr. Chairman, I suggest the Clerk read the next paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I did not want to lose my place, that is all.

Mr. MANN. We have not reached the gentleman's place yet.

Mr. DYER. Mr. Chairman, I desire to offer an amendment in the nature of a new paragraph at the end of this paragraph.

The CHAIRMAN. The committee has under consideration the amendment offered by the gentleman from Pennsylvania [Mr. Moore].

Mr. MOORE of Pennsylvania. I think the amendment comes in properly here; it is an amendment to the paragraph on page 36.

Mr. EDWARDS. Mr. Chairman, I make the point of order that that paragraph has been already passed.

The CHAIRMAN. The whole paragraph is pending, the Chair understands.

Mr. DYER. Mr. Chairman, I offer an amendment as a new paragraph at the end of the paragraph just read.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, line 23, page 36, by inserting, after the word "levees," the following: "which shall be considered extraordinary emergency work."

Mr. MOORE of Pennsylvania. Mr. Chairman, is that debatable?

The CHAIRMAN. It is not. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. DYER. Mr. Chairman, I offer this as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri.

The Clerk read as follows:

After line 14, page 37, insert as a new paragraph:

"That the sum of \$30,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining, raising, and protecting against the impending and possible future floods the levees on the Mississippi River, as well as the rivers tributary thereto."

[Cries of "Regular order!"]

Mr. DYER. Mr. Chairman, I submit to the Chair that this is not an amendment, but is a new paragraph.

The CHAIRMAN. The gentleman from Missouri [Mr. Dyer] does not offer it as an amendment, but an independent section.

Mr. DYER. This is the substance of a bill which I introduced into the House on the 6th of last May, and it is in substance a law that will have to be enacted if Congress is to cover this situation on the Mississippi River and the floods that come from time to time. It has been stated here that appropriating money piecemeal from Congress to Congress to protect the people and property is not satisfactory. The engineers of the Government have decided that the levees can be raised to protect the property and to prevent overflows, and if that can be done, Mr. Chairman, it certainly ought to be done, and it ought to be done by the United States. The vast amount of property involved in the protection and raising of the levees to prevent overflows is of so vast importance that it must and will come in the near future. I present this to the committee for its consideration, with the hope that I may bring it to their attention and to the attention of the Committee on Rivers and Harbors in such a way that they will begin a careful and scientific investigation of this project, with the hope that in the near future we may secure a law and sufficient appropriation to raise the levees for good. [Applause.]

Mr. Chairman, the raising of the levees of the Mississippi River so as to prevent overflows affects many of the great States of this Union. Within its watershed, in whole or in great part, are the following States: Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming. The Chief of Engineers of the Army stated to me that for substantially the amount carried in this amendment the levees can be raised to prevent overflows. When the levees have been raised to prevent overflows then the swamp and overflowed land can be drained and made healthy and fit for agriculture. There are 77,000,000 acres of this land, and divided into farms of 40 acres it would provide homes for 1,925,000 families. Swamp lands, when drained, are extremely fertile, requiring but little commercial fertilizer, and yield abundant crops. They are adapted to the growth of a wide range of products, and in most instances are convenient to good markets. While an income of \$15 to \$20 per acre in the grain-producing States of the



Middle West is considered profitable, much of the swamp lands in the East and South would, if cultivated in cabbages, onions, celery, tomatoes, and other vegetables, yield a net income of more than \$100 per acre.

In addition to the immediate benefits that accrue from the increased productiveness of these lands, a greater and more lasting benefit would follow their reclamation. The taxable value of the Commonwealth would be permanently increased, the healthfulness of the community would be improved, mosquitoes and malaria would be banished, and the construction of good roads made possible. Factories, churches, and schools would open up, and instead of active young farmers from the Mississippi Valley emigrating to Canada to seek cheap lands, they would find better homes within our own borders.

The following is substantially an accurate estimate of the number of acres of swamp and overflowed lands, by States, that may be reclaimed for agriculture if the levees of the Mississippi are raised sufficiently to prevent overflows, which can and will be accomplished through the enactment of the amendment I have presented to this bill, to wit:

	Acres.
Alabama.....	1,479,200
Arkansas.....	5,911,300
California.....	3,420,000
Connecticut.....	30,000
Delaware.....	127,200
Florida.....	19,800,000
Georgia.....	2,700,000
Illinois.....	925,000
Indiana.....	625,000
Iowa.....	930,500
Kansas.....	359,380
Kentucky.....	444,600
Louisiana.....	10,193,605
Maryland.....	192,000
Maine.....	156,520
Massachusetts.....	59,500
Michigan.....	2,947,439
Minnesota.....	5,832,308
Mississippi.....	5,700,200
Missouri.....	2,439,000
Nebraska.....	512,100
New Hampshire.....	12,700
New Jersey.....	326,400
New York.....	529,100
North Carolina.....	2,748,160
North Dakota.....	200,000
Ohio.....	155,047
Oklahoma.....	31,500
Oregon.....	254,000
Pennsylvania.....	50,000
Rhode Island.....	8,064
South Carolina.....	3,122,120
South Dakota.....	611,480
Tennessee.....	639,000
Texas.....	2,240,000
Vermont.....	23,000
Virginia.....	800,000
Washington.....	20,500
West Virginia.....	28,900
Wisconsin.....	2,360,000

These lands, after they have been drained and made fit for agriculture, will be worth from \$60 to \$100 per acre. Taking the lowest estimate of \$60 per acre, the cash value of these 77,000,000 acres of land would be \$4,620,000,000. These lands as they now stand are not worth to exceed \$8 per acre. You can therefore see the greatness of this project and that it is worth while for Congress to give it serious consideration.

Mr. BARTHOLDT. Mr. Chairman, I wish to reply briefly to some statements made here a little while ago by the gentleman from Louisiana [Mr. RANSDELL]. I trust my friend from Louisiana did not intend to convey the impression to the country that there is an antagonism between the friends of the levee system and the friends of another system, namely, the reservoir system, to protect the lands of the South.

Mr. RANSDELL of Louisiana. Mr. Chairman, I wish to say to the gentleman that I had no such idea at all. I was simply trying to convey the idea that the only two systems I had heard suggested were levees and reservoirs, and the cost of the reservoirs, as laid down, was \$500,000,000 to \$1,000,000,000, and it was impractical.

Mr. BARTHOLDT. Mr. Chairman, at ordinary times there is no question but that the levee system is sufficient to protect the lands, but when the floods of all the rivers that are tributary to the Mississippi come together, as they did last year, it is demonstrated that the levee system is not entirely sufficient to protect them. And therefore, as supplementary to the levee system—

Mr. SPARKMAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment. He is talking upon an entirely different subject.

Mr. BARTHOLDT. I am coming to that. My remarks will have relation to the amendment offered by the gentleman from Missouri [Mr. DYER].

I wish to make this point clear, that we do not oppose the levee system, but are heartily in favor of it, but it is only the question of a vast amount of money that perhaps prevents this country from embarking upon a new policy for more efficiently protecting the lands of the South from floods such as we had last year.

Mr. SPARKMAN. Mr. Chairman, I do not wish to appear discourteous to any gentleman, but it is very important we must get this bill through very soon, and to get it to the Senate as early as possible, and we hope to finish it this afternoon.

Mr. BARTHOLDT. These are the only five minutes I have consumed on this bill, and I thought the remarks of the gentleman from Louisiana were important enough to justify the consumption of five minutes, which I did.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to speak against the amendment. At this point, Mr. Chairman, let us note that \$30,000,000, in addition to what is already appropriated in this bill, is suggested by the amendment for the construction of levees along the Mississippi River, and it seems appropriate now to say one or two things that ought to be said with regard to the Mississippi River appropriation. I have a table of statistics here, prepared by Emory R. Johnson for the White House conference in 1907, showing just what has been spent on the rivers and harbors in this country since the first appropriation.

In that time, up to 1907, Congress had expended altogether a total of \$552,000,000. I will put the accurate figures in the Record. On the Atlantic coast, since the year 1802, for all the great commerce of this country for more than 100 years, there was expended \$141,000,000 of this total.

The statement of Prof. Johnson is as follows:

*Congressional appropriations for the survey, improvement, and maintenance of harbors and waterways of the United States, by periods and divisions.*

Division.	Date of earliest appropriation.	Appropriations.			
		Total.	Up to and including 1890.	1891 to 1906, inclusive.	Mar. 2, 1907.
Atlantic coast.....	1802	\$141,162,391	\$56,448,541	\$73,821,326	\$10,892,524
Gulf of Mexico.....	1826	64,292,362	21,065,470	38,027,940	5,198,952
Pacific coast.....	1852	34,061,782	10,248,592	21,204,844	2,608,346
Great Lakes.....	1823	97,791,108	37,522,937	50,980,283	9,287,883
Mississippi Valley.....	1819	208,484,720	84,211,783	115,457,054	8,815,883
Lake Champlain.....	1836	1,347,910	1,133,660	211,750	2,500
General.....	1824	15,802,752	3,408,903	1,743,849	650,000
Total.....		\$552,943,025	214,039,886	301,447,046	37,456,093

<sup>1</sup> Includes general appropriation items for removal of wrecks, examinations, surveys, and contingencies which are not capable of being segregated according to divisions.

<sup>2</sup> Does not include appropriations for the following: California Débris Commission, Permanent International Commission of Congresses of Navigation, International Waterway Commission, improvement of harbors and waterways in insular possessions, prevention of deposits in New York Harbor, bridge construction.

Up to and including 1890 the congressional appropriations amounted to 38.7 per cent of the total shown in this table. From 1891 to 1906, inclusive, 54.5 per cent of the total was appropriated, while the rivers and harbors act of March 2, 1907, authorized the expenditure of 6.8 per cent. The waterways of the Mississippi Valley, including the Red River (of the North), have received 37.7 per cent of all congressional appropriations for the improvement and maintenance of harbors and waterways; the harbors and streams of the Atlantic coast, 25.5 per cent; those of the Great Lakes, 17.7 per cent; the Gulf of Mexico, including the delta and passes of the Mississippi, 11.6 per cent; the Pacific coast, 6.2 per cent; and Lake Champlain, two-tenths of 1 per cent.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. No; I regret I can not. I have not the time. The Gulf of Mexico received \$64,000,000; the Pacific coast only \$34,000,000; the Great Lakes \$97,000,000; Lake Champlain a little over a million; miscellaneous about five millions; and Mississippi Valley \$211,000,000. This out of the total of \$552,000,000.

Now, since these figures were prepared and published, indicating the manner in which the money for rivers and harbors has been distributed for commerce and navigation in the country, statistics have been prepared by the National Rivers and Harbors Congress for the five years intervening between 1907 and 1912. In those five years Congress has expended, in addition to the \$552,000,000 up to 1907, a total of \$179,000,000.

Now, of that additional total of \$179,000,000, the Pacific coast has received \$19,000,000; the Atlantic seaboard, with its tremendous commerce, has received \$50,000,000; and the Mississippi River, the Great Lakes, and the Gulf territory have taken \$110,000,000. In this bill you have provided for the Missouri

River legislation which will take \$20,000,000 before you can complete the work or before you have proven that the work can be done. In this bill you have also a project for the improvement of the Mississippi River levees that will run up to \$100,000,000 more. You also have inserted a provision for the Ohio River that will spell \$63,000,000 before it is accomplished.

Now, while I am on this topic I want to say that the customs receipts of this country, which are not exclusive to the Atlantic seaboard, but which are representative of the business of the entire country, amounted to \$311,000,000 for the year 1912, and of that total \$265,000,000 came in substantially at four ports on the Atlantic seaboard that are here begging for improvements, while the rest of the country contributed of those customs revenues only \$46,000,000. The Atlantic coast gets 25 per cent of the appropriations you make for the improvement of rivers, and on the Atlantic coast are held back other important projects that would prove to be revenue producers; and yet the Mississippi Valley in five years takes, out of a total of \$179,000,000, \$110,000,000. Still you put in the law a provision for a \$100,000,000 Mississippi improvement, and gentlemen come in here for \$30,000,000 more. It does not seem to me a reasonable or fair distribution of the revenues of this country.

Mr. MADDEN. Who consumes the merchandise on which the duties are paid at the port of New York?

Mr. MOORE of Pennsylvania. The people.

Mr. MADDEN. Yes; the people of the whole country. I just wanted to elicit that information from the gentleman by that question.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DYER].

Mr. MANN. Mr. Chairman, I do not know how much of the \$265,000,000 collected at the four ports on the Atlantic seaboard is collected at Philadelphia. May I ask the gentleman from Pennsylvania how much it is?

Mr. MOORE of Pennsylvania. Twenty-one million dollars.

Mr. MANN. It was a very nice thing to say that \$265,000,000 had been collected "at four ports."

Mr. Chairman, ever since I have served in this House alongside of my distinguished friend from Philadelphia I have recognized him as an exponent of the proposition that the Government ought to improve rivers and harbors. In fact, there was a time when I was led to believe that my distinguished friend from Pennsylvania was really trying to appropriate too much money for the improvement of rivers and harbors. But to-day my idol is shattered and falls to the ground.

The gentleman from Pennsylvania for the last two or three days, while this bill has been up for consideration, has done everything he could to prevent its passage, opposing various propositions that are in the bill, while assuming and assuring the House that he really was in favor of them. Think of my friend from Pennsylvania, whom we had placed upon a pedestal as being in the lead in the way of river and harbor improvement, now standing and fighting each of the items as they become a law. Why, I thought my friend from Pennsylvania was the president of half a dozen different associations designed to extract money out of the Treasury for the improvement of rivers and harbors. I have heard the gentleman time and again ask leave to extend his remarks in the Record for the purpose of inserting something in favor of great appropriations for rivers and harbors.

Mr. MOORE of Pennsylvania. And they have been denied.

Mr. MANN. Yet the gentleman is doing his best now to prevent the passage of this river and harbor bill in time for it to be considered at the other end of the Capitol so that it may become a law. I fear that in the future I may not be able blindly to follow my friend from Philadelphia along the lines in favor of river and harbor improvements, because I shall never know when he is going ahead and when he is backing up. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. DYER].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

Mr. FOWLER. I reserve a point of order against this paragraph.

Mr. YOUNG of Michigan. Will not the gentleman make it?

Mr. FOWLER. I want to ask the gentleman from Florida [Mr. SPARKMAN] why there is an effort in this paragraph to place a limitation upon what future Congresses may do?

Mr. SPARKMAN. In what respect are we trying to do that?

Mr. FOWLER. This paragraph reads:

Any funds which have been or may hereafter be appropriated.

Mr. SPARKMAN. We wish to limit this appropriation and all other similar appropriations in so far as we can limit them to the purposes mentioned. Of course, I understand, and everyone else understands, that we can not limit the actions of future Congresses. Any other Congress, like this, can do as it pleases; but so far as future Congresses are concerned, we want to emphasize the fact that we do not desire to extend the jurisdiction of the Mississippi River Commission over levees beyond the point where it now reaches or permit that commission to expend money on levees except for the purposes herein contemplated.

Mr. FOWLER. Why not strike out the words "or may hereafter be"?

Mr. SPARKMAN. Because the River and Harbor Committee thought those words should be in the bill.

Mr. FOWLER. Have they been carried before?

Mr. SPARKMAN. They do no harm, and they may do some good. We think they serve a good purpose there.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SPARKMAN. He has not made any point of order. He has simply reserved it.

Mr. FOWLER. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. What is it?

Mr. FOWLER. I was trying to get information from the chairman of the committee, to see whether the point of order should be made or not.

The CHAIRMAN. Very well.

Mr. YOUNG of Michigan. Regular order!

Mr. FOWLER. The point of order is that the words in line 1 appear to place a limitation upon the action of future Congresses, which I do not believe this House has the right to do.

Mr. YOUNG of Michigan. Will the Chair rule?

The CHAIRMAN. The point of order is not well taken.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. This paragraph does, of course, extend the power of the Mississippi River Commission very much and takes in a considerable stretch of river which has not heretofore been under the jurisdiction of that commission.

When the Mississippi River Commission was created 30 years ago or more it was given jurisdiction from the mouth of the Ohio to the Head of Passes. This makes a very great departure. It extends its jurisdiction—and I really think there ought to be an explanation from the committee, to go into the Record, as to why that is done. It seems to me it would not be amiss to have a five-minute explanation, at least, of the reason for the extension of the jurisdiction of the commission.

Mr. SPARKMAN. If the gentleman had been present the other day during general debate on this bill, he would have heard as clear an explanation of that matter as I am capable of making. It was gone into quite fully then. But I will again briefly explain. There had been for some time quite a demand for the partial extension of the jurisdiction of the Mississippi River Commission from Cape Girardeau up to Rock Island, so as to place that section of the river, in the matter of levee construction, on the same footing with that below, the claim being that there was no difference between the two sections in that particular, a claim which appeared to be well founded. So after considering the matter carefully the committee concluded to meet that demand, which it thought had considerable merit, by inserting this paragraph, which has the effect of thus extending the jurisdiction of the Mississippi River Commission up to Rock Island, Ill., in so far as the construction of levees is concerned, but only in the interests of navigation, not for the purpose of protecting private property or anything of that kind, the committee considering any matter other than that of navigation foreign to the purposes of a river and harbor bill. It will be observed that the whole matter is left to the discretion of the Mississippi River Commission and the Chief of Engineers to say whether any expenditure is for the benefit of navigation.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, this paragraph enlarges the power of the Mississippi River Commission. The gentleman from Louisiana [Mr. RANDELL] eulogizes that commission. I have no doubt but that they are high-minded, patriotic gentlemen, but I think if we had in our employ men who had spent as much



money as these men have spent, or as has been spent under their direction, and secured so little benefit from the expenditure we would discharge them rather than enlarge their powers.

The trouble is these gentlemen are circumscribed in their efforts, cribbed and confined in their opportunities to do the right thing by reason of the fact that the gentlemen who are in control of these matters refuse to acknowledge the truth, and that is that we are protecting, and we desire to protect, private property. The commission is proceeding on the theory—and I use the word advisedly, because the gentleman from Louisiana used it when he said the appropriations were all on the theory that they aid navigation, and if they were not on that theory they would not be made, he said. Why, certainly not. What is the theory in face of an established policy which we have been following for years against which there is no opportunity for anyone to do more than protest, as I have been trying to do. My protest is not against the real object of the expenditure, but against the smug hypocrisy which refuses to acknowledge what we are attempting to do. It is that which makes the expenditure largely futile, because the commission can not recommend the expenditures in such a way as to make them really effective. They must pretend they aid navigation.

If they could recommend expenditures for levees, leaving such channels as would carry the floods of the river, then the expenditures would be of some permanent benefit. So far as aiding navigation, we all know that last year it cost about \$30 a ton in expenditure for every ton of freight that went over certain reaches of the river. We all know that after the expenditure of over a hundred millions there is much less navigation on the river than there was years ago.

Now, gentlemen, let us acknowledge what we are doing and proposing to do. Acknowledge the national responsibility for the floods of the Mississippi River, for protecting property along the stream, and let us do it in an intelligent and effective way, and in doing it improve as much as we may the navigation of that great stream. So long as we continue to try to fool ourselves and the American people that we are building levees wholly in the interest of navigation we must so build them that they will have some appearance of being in the interest of navigation and, consequently, so build them in many instances, as the gentleman from Tennessee has just pointed out, that they do harm rather than good by confining the waters of the river in too narrow a channel. Let us so build them as to give free passage for floods, and thus effectually accomplish the protection of property and at the same time improve the river navigation.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Florida asks that all debate on the paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I want to appeal to my colleagues on this side of the House to give us an opportunity, in the interest of public business, to go forward with the consideration of this bill. [Applause.] We have 31 working days before the final adjournment of this Congress. There are 11 supply or appropriation bills. There are 4 of them that have not been reported to this House, and only 1 of the 11 has passed both Houses of Congress, and that bill has not so far received the approval of the President of the United States.

Here is a calendar with thirty-odd pages of general and private bills. More than 400 or 500 general and private bills and 11 supply bills of the Government awaiting us, and here we are killing time—making motions and objecting and wasting valuable time.

This bill is a meritorious measure. This great committee that has brought it in is deserving of commendation on both sides of this House. It is not deserving of the unjust criticisms that have been made. This bill is practically above criticism and condemnation. No appropriation committee in this House is hedged about with more safeguards in the interest of the legitimate expenditure of public moneys than the Committee on Rivers and Harbors. The chairman of it is a Member of long standing in this House, competent, worthy, and deserving the confidence of all his colleagues. The men who are associated with him in the preparation of this bill, Republicans and Democrats, have the interest of our country at heart. They have brought in for our consideration this measure which awaits our approval. Do not let us trifle away any more of the valuable time that belongs to the people of this great country. Here we have spent almost an entire afternoon on less than 3 pages of a great measure which runs into 60

pages. It is not creditable to the membership of this House. We can not change the paragraphs in this bill, for the Members are determined to sustain this committee, and I appeal to my Republican colleagues to let us proceed in an orderly and creditable manner, in the interest of the American Congress and to our own honor and credit. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Wyoming to strike out the paragraph.

The question was taken, and the motion was rejected.

The Clerk read as follows:

Improving Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, \$1,000,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I presume I am one of those gentlemen on this side who is subject to the strictures of my very good friend from Tennessee [Mr. AUSTIN]. I note with great concern how gentlemen sometimes get anxious toward the close of the day for the passage of an undigested bill that contains large appropriations for their benefit. [Applause on the Republican side.] I am surprised that a Democratic House should insist upon pushing through a measure carrying \$40,000,000 without a fair opportunity to debate some new problems that are being injected into the legislation of the country through this measure. Surely my friend from Tennessee does not want us to pass through this bill and bind ourselves to a policy with regard to the construction and taking over of dams and the assignment of water-power rights? That is being done in this measure. Why not let us discuss it here? Surely my friend does not want to drive us incidentally into the business of building levees along great rivers without an opportunity to discuss whether or not we should embark upon so important a policy. That ought to be fairly considered as new matter in the House.

My friend from Louisiana [Mr. RANSDELL], eloquent and forceful as he always is on these waterway propositions, has referred to the fact that the great national conventions have approved this levee system.

Mr. SPARKMAN. Mr. Chairman, the gentleman asserts that this bill has provisions in it for the purpose of taking over water-power rights and all that class of things. I would like to have him point out that provision.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not care to go any further into a discussion of that than is warranted in the five minutes of time which I have.

Mr. SPARKMAN. Mr. Chairman, I want to say that I know of no such provision in the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say with reference to the gentleman from Louisiana [Mr. RANSDELL], whom I highly respect as one of the most conscientious men in this House, that if he were to tell all he knows about the planks put into the platforms of my party and his party he would probably tell us a story that could be boiled down to the brain and ingenuity of one man. I am getting a little tired of planks in platforms, whether in the Democratic or Republican Parties, for too often they mean only what one man says.

The gentleman from Wyoming [Mr. MONDELL] has discussed the Mississippi River Commission. I grant that it is made up of strong and earnest men. It was created by act of Congress, June 28, 1879. They have been in business 34 years. Their business when created in 1879, with an appropriation of \$175,000, was—

To direct and complete such survey of said river between the Head of Passes, near its mouth, to its headwaters as may now be in progress, and to make such additional surveys—

And so forth.

That identical language is given in this bill as an excuse for their expenditure of over \$9,000,000 this coming year. When is the work of the Mississippi River Commission to cease? They have been at it since 1879. They have been working on this river—which only five years ago, when the engineers were forced to report upon the commerce of the stream, had but 4,300,000 tons of commerce, or one-sixth of the commerce upon the 60 miles of the Delaware River alone; and yet gentlemen resist our right to speak of these things when amendments are being brought in adding \$30,000,000 more to \$100,000,000 contemplated to be expended by this commission. Take it out of this bill; put the Mississippi River Commission on a basis of its own. Treat that problem apart from commerce and navigation, because it does not concern it, and make it what it is. Do what the gentleman from Wyoming suggests—make this a separate service, and attend to it as it should be attended to, and let commerce and navigation have the benefit of these appropriations.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

Improving Osage River, Mo.: Continuing improvement and for maintenance, \$15,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, I do not like to talk about the Gasconade and Osage in disparagement; they are down there in Missouri, where I lived as a boy. I am kindly disposed to the people who occupy that territory in their desire to secure appropriations. I find from the report of the engineers on the Osage—it is about the same on the Gasconade—we have spent very large sums on both rivers:

The original condition was one of alternate pools and shoals, with snags and overhanging trees. The first project or plan was general in its nature—

It certainly had to be general.

The first appropriation was made in 1871, and no estimate of cost or time limit was adopted.

There has been no time limit; they have kept it up ever since.

The removal of obstructions under this plan contemplates maintenance—

Certainly we must maintain these improvements, because the people have no use for them in navigation, and otherwise they would go to destruction.

The obstructions will form anew, and while the cross and wing dams have a degree of permanency, they must receive frequent repair and extension to keep up their efficiency.

However, by the expenditure of, I think, a little less than \$1,000,000 on this beautiful little stream, the Osage, they have accomplished this result:

The result of the expenditure has been to increase the depth over the shoals, remove obstructions, and keep open navigation—

Not that there is any to keep open. [Laughter.]

The least depth at low water over shoals is 1½ to 2 feet, while in the pools the depth ranges from 5 to 15 feet.

There are some beautiful swimming holes down on the Osage [laughter and applause] and the Gasconade, and long may they be a delight to boyhood, as they were to me and my companions in my early days down there in Missouri. While these improvements can be of no special aid to commerce, I hope they will not destroy the swimming holes. Mr. Chairman, I withdraw my amendment. [Laughter and applause.]

The Clerk read as follows:

Improving harbor at Coos Bay, Ore.: For maintenance of the completed channels in Coos Bay and equipping and operating the bar dredge heretofore authorized, \$80,000.

Mr. SPARKMAN. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 40, at the end of line 21, insert the following:

"And the Secretary of War is authorized and directed to use any additional money that may be placed at his disposal by the board of Coos Bay or by any other organization or individuals for the improvement of the inner harbor of Coos Bay, and the said Secretary is also authorized, in his discretion, to use any Government plant available in connection therewith at such times as it may not be needed and employed on other work authorized by Congress."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 2. That for examinations, surveys, and contingencies for rivers and harbors, for which there may be no special appropriation, the sum of \$250,000 is hereby appropriated: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Mr. WATKINS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 44, section 2, line 17, after the word "appropriated," add the following: "of which sum \$40,000, or so much thereof as may be necessary, is to be used to protect the caving banks of Red River at Coushatta, La."

Mr. WATKINS. Mr. Chairman, I would like at least an opportunity of explaining the situation which prevails there before the vote is taken. The situation is the same as it was or is at Pine Bluff, Ark., for which there is an appropriation on page 29 in the amount of \$48,000, part of which is to protect the caving banks at Pine Bluff. The town of Coushatta is situated on the Red River, La. The banks have been caving there and are liable at any time in the night to go into the river. A

surveyor went there, Capt. Smith, some time ago, and his report is in, and I suppose the committee has had access to it, because I filed a bill here (H. R. 27204) in which I asked that Coushatta be protected from the caving banks. Capt. Smith was to be at Coushatta at some time, but the citizens did not know at what time he was to come. He was sent there by the War Department—by the Chief of Engineers. He got there in the night, the train being late—about 2 o'clock in the morning. When he got to Coushatta he was not met by anyone and did not know where the hotel was, so he states he spent the time from the time he arrived there at 2 o'clock in the morning on the store galleries waiting to see some one to tell him where the hotel was. He was to leave early in the morning. He met the mayor of the town, and he went and looked at the caving banks, and his report, on a casual examination and opinion, was that the town will not be destroyed by this caving bank; but if it should be, that it will not be in the interest of navigation to remedy the trouble.

The situation there is identical with that at Pine Bluff. It may be, and in all possibility is, a fact that navigation will not be seriously injured, or, at least, not be destroyed by the caving in of these banks at Coushatta. But since Capt. Smith's report was made a large part of the town has gone into the river. Several houses have caved into the river. The district attorney's residence, one of the handsomest in the town, has had to be removed recently, as well as the Baptist Church. The House of the superintendent of education and the mayor's house will have to be moved soon. The people are watching the river, and the Army engineer is making a report that it is not in the interests of navigation and commerce that relief be had. There is a brick store on the bank of the river which it appears will cave in in a short time if this relief is not granted. It is supposed that in the neighborhood of \$20,000 to \$40,000 is needed to protect the situation.

Mr. HUMPHREYS of Mississippi. He asked that \$40,000 be diverted—

Mr. WATKINS. Or so much thereof as may be necessary.

Mr. HUMPHREYS of Mississippi. Has the gentleman any information at all as to what will be necessary?

Mr. WATKINS. The engineer's report stated that it would take 20 cents a foot, and he was not certain as to the exact distance up and down the river, but that at the utmost it would not take more than \$40,000, and probably that \$20,000 would afford relief.

Mr. CALLAWAY. Will the gentleman yield?

Mr. WATKINS. I will.

Mr. CALLAWAY. I understand the engineer's report on that is that it would not help commerce and navigation at all, but simply protect the property, and that the rule of the Committee on Rivers and Harbors is that no business will be considered except that which protects commerce and navigation?

Mr. WATKINS. But there was the same condition at Pine Bluff.

Mr. CALLAWAY. That was prior to the time this great committee had this salutary rule that we should not spend money except for commerce and navigation.

Mr. WATKINS. All of us joined, and were glad to join, last spring in voting to contribute millions of dollars to protect the sufferers from overflow of the levees on the Mississippi River.

Mr. CALLAWAY. But that is the only time this great committee has ever violated this salutary rule, is it not?

Mr. WATKINS. I think not; no.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WATKINS] has expired.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph. I want to find out about this thing. Is not that the only time this great committee ever departed from this salutary rule?

Mr. WATKINS. I think not. My impression is that in the State of Louisiana, the city of Alexandria, the same proposition was favorably acted on and relief was granted.

Mr. CALLAWAY. Your opinion is that they never have regarded the rule at all except when it suited the interested parties backing the bills?

Mr. WATKINS. I say as a general rule it is a safe one. But there are exceptions. Here we find a whole town tumbling into the river, and people are at the mercy of the engineers, because they decide that under the technicalities it would not affect commerce and navigation. The banks at Coushatta are caving in, and when those banks are caved in the river will be diverted and the navigation will be very seriously injured, if not destroyed, at that point.

Mr. CALLAWAY. Was not the objection the committee made in considering the motion of the gentleman from Tennessee that



it did not affect commerce and navigation? Were you in here when the committee turned down the amendment offered by the gentleman from Tennessee [Mr. McKellar] saying that private property there was being injured by the levee? He needed help to protect this private property, the electric-light plant, and so forth.

Mr. WATKINS. I was here at the time and heard the argument, and was present during the vote; but the committee voted that proposition down. As to why they did I am not prepared to say.

Mr. CALLAWAY. You do not think the reason given by the gentleman from Mississippi [Mr. Humphreys] was the real reason for the committee's action at all?

Mr. WATKINS. I am not responsible for the reason that each member of the committee had for voting. Personally, I did not vote on it at all.

Mr. CALLAWAY. The thing I am trying to get at is the rule on which this committee acts in shoveling out this forty millions of public money. I would like to find some man to give a rule by which they appropriate it. The members of this committee have been told that their pretensions were hypocritical, and they sit as silent as the tomb and make no reply, but the grim determination on their faces shows they intend passing this bill just as it comes from the committee. They have adjusted the balances. Each has got his share in the bill.

Mr. SPARKMAN. The gentleman from Louisiana [Mr. Watkins] gives two good reasons why his amendment should not be adopted. In the first place he admits there is no project for it.

Mr. CALLAWAY. What does the gentleman call a "project"?

Mr. SPARKMAN. "A project" is a plan for an improvement with estimates furnished by the engineers, so as to advise Congress just what the proposition is likely to cost, with a recommendation at least by the Chief of Engineers that the work be undertaken. That is to say—

Mr. CALLAWAY. Does the gentleman mean to say—

Mr. SPARKMAN. If the gentleman wants an answer, he should let me finish the sentence. If he does not want an answer, all right.

Mr. CALLAWAY. Let me proceed slowly, so that I can digest it. Does the gentleman mean to say that he has an engineer located at each point, who makes a report showing what it will cost the Government to complete each project?

Mr. SPARKMAN. That is what I mean to say.

Mr. CALLAWAY. Does the gentleman mean to say he has got that all in this little committee report—all the information he proposes to give to the House in justification of the expenditure of \$40,000,000?

Mr. SPARKMAN. My eyes are not good enough at this distance to enable me to identify what the gentleman holds in his hand, but if it is the report of the Committee on Rivers and Harbors, of course it does not contain all of those things. The gentleman would find most of them, however, in a volume of this size, a volume such as I am now exhibiting, but of course not all of them.

Mr. CALLAWAY. The House has not got that. The House is not in possession of the reasons why the committee is acting in this way, advising the House to spend \$40,000,000.

Mr. SPARKMAN. If the gentleman will exercise the power which his commission as a Representative in Congress gives him, and will go out to the document room yonder, he can procure this document, and then, if he is industrious enough, as I presume he is, and patriotic enough, as I assume he is, he will read and digest all those things, and in that way he may become possessed of the desired information.

The CHAIRMAN. The time of the gentleman from Texas [Mr. Callaway] has expired. The question is on the amendment to the amendment.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by adding—

The CHAIRMAN. A proposition to amend the amendment has already been made.

Mr. FOWLER. By adding the following:

And the falling banks of the Wabash River at Maunie, Ill.

The CHAIRMAN. There is an amendment to the amendment already pending. The gentleman from Illinois [Mr. Fowler] offers an amendment in the third degree, which is not in order. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. Callaway] to the amendment of the gentleman from Louisiana [Mr. Watkins].

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Louisiana. That amendment to the amendment is to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, there was no point of order made against my amendment to the amendment by any gentleman on the floor of this House.

The CHAIRMAN. The Chair is aware of that, but that is the rule of the House. An amendment in the third degree can not be entertained. The Chair is simply enforcing the rule.

Mr. FOWLER. Is it true, Mr. Chairman, that this amendment can not be offered to the amendment which is pending?

The CHAIRMAN. There is already an amendment pending to the original proposition, and there is an amendment to that pending. That is all that can be entertained by the House at once.

Mr. FOWLER. I did not understand, Mr. Chairman, that there was an amendment to the amendment pending—

The CHAIRMAN. The gentleman from Illinois is mistaken—

Mr. FOWLER (continuing). Which was a pro forma amendment to strike out the last word.

The CHAIRMAN. That was not the amendment.

Mr. FOWLER. And that was withdrawn.

The CHAIRMAN. No; the amendment was to strike out the paragraph, and that was not withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. Callaway] to the amendment of the gentleman from Louisiana [Mr. Watkins].

The question was taken, and the amendment to the amendment was rejected.

Mr. FOWLER. Now, Mr. Chairman, I renew my amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. Fowler].

The Clerk read as follows:

Add to the amendment the following: "And the falling banks of the Wabash at Maunie, Ill."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Fowler].

Mr. FOWLER. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman will be heard if he desires.

Mr. FOWLER. Mr. Chairman, the falling of the banks or the caving of the banks at Maunie, Ill., has been going on for a number of years to such an extent that they are filling up the channel of that river, which is one of the greatest rivers in the Mississippi River system. A few thousand dollars could be well expended there, the same as in the case of the gentleman who offered the original amendment, as I understand, and it would relieve the situation and thereby give a better chance for navigation.

I believe, Mr. Chairman, that this committee is made up of a number of the wisest men in this Congress. [Applause.] I have great respect for the opinion of that committee and of each member thereof, and I believe that they have sought to give justice to every proposition which has come before them. But I believe that there are propositions which are not provided for in this bill which are just as meritorious as some of those which have been provided for. I understand that the river provided for in the original amendment as well as the river whose navigation I have offered to protect by my amendment to his amendment is of such high importance that it demands the attention of Congress, in order that navigation may be properly protected. I trust that my amendment to the amendment may carry and that the original amendment as amended may then carry.

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Illinois [Mr. Fowler].

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana [Mr. Watkins].

The amendment was rejected.

The Clerk read as follows:

The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from the amount provided in this section.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee with reference to these reports of the Army engineers, which he has told me I can look to for information. Is that where the chairman gets his information on which he bases these bills, and is that where the committee get their information on which they pass these bills appropriating millions and millions of the people's money?

Mr. SPARKMAN. I am glad to answer that question and to say that we get a great deal of the information, perhaps the

most of it, through the reports of the engineers. In addition to that, when we can visit localities and talk with individuals, we obtain some information in that way. Often we have an engineer before us, either a district or a division engineer, but more frequently either the chief or one of his assistants. We glean a good deal of information from them, and also some from the hearings, from questioning persons who come before the River and Harbor Committee. Often we have hearings, and we listen very patiently to those who come before us, the desire always being to get all the information that we can possibly gain upon these important subjects.

Mr. CALLAWAY. Mr. Chairman, I wanted to know where this information came from, because I am on an investigating committee whose duty it has been to look into some of the reports of these engineers and the expenditures made on their reports. I went down to Phoenix, Ariz., where this House had appropriated \$540,000 on the report of the engineer at the head of the Indian Burear. I want to give the House this information, in order that they may know how much the reports of some engineers are worth. We went down there to look at the outlay of \$540,000 made by this House on an irrigation project for the Pima Indians over the repeated protests of the Indians themselves and found that it was not worth a cent on earth. It was made, presumably, for the benefit of the Pima Indians, and it is not worth a cent to them, to the people of Arizona, nor to anybody in God's world. Yet this House appropriated \$540,000 on the advice of W. H. Code, one of these Government engineers.

I want to call the attention of the House to another investigation that was made by the Insular Affairs Committee with reference to an outlay on a road 10 miles long, based on a report of Army engineers, in the Philippine Islands. That road ran from Manila up to Bagio. Some said it was 10 miles long and some said it was 12. These Army engineers estimated it would cost \$75,000. It did cost \$3,000,000, stayed there four and one-half years, was washed away, and Gen. Edwards, before the committee, said it was not worth rebuilding. After this experience with Army engineers' reports and reclamation engineers' reports and Indian Bureau engineers' reports, and seeing how absolutely worthless they are, I have got no kind of confidence in these engineers' reports; and I have no confidence in the bills brought into this House by committees based on such reports. They ought to be kicked out through the ceiling.

I have found another thing, Mr. Chairman, that when we call these people before the committee to find out what they base their estimates on we have to corkscrew everything out of them as we would a criminal on the stand testifying in his own behalf. So far as I am concerned, I will never vote to appropriate a dollar unless the men who bring in the bills here can give to this House some definite and accurate information on which to base the appropriation. We know that this river and harbor proposition is a hoax and an extravagant waste of the people's money.

Mr. EDWARDS. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. EDWARDS. What particular project does the gentleman want information about?

Mr. CALLAWAY. I do not want information about any particular project. We have had a whole lot of gush about the Mississippi River and levees built on each side to improve navigation and to benefit commerce, and there is not a 10-year old schoolboy in the country that does not know that it is all rot.

Mr. EDWARDS. Referring to the gentleman's inquiry about matters in the report, I have three volumes of the engineers' report—

Mr. CALLAWAY. If the gentleman had a hundred volumes, and they were engineers' reports, they would not be worth a cent to me, with my experience with engineers' reports.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

Boston Harbor, Mass., with a view to securing increased width and depth of channel from Mystic River to President Roads.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to inquire of the chairman of the committee what this item contemplates.

Mr. LAWRENCE. Mr. Chairman, perhaps I can answer the gentleman. We are just completing in Boston Harbor a 35-foot channel from the Charlestown Navy Yard to President Roads and then to the sea. At the suggestion of the engineers a survey was included in the last bill looking for an increased depth from the roads to the outer harbor, because in a severe storm, when the 35-foot channel is complete, they will not actually have the use of the entire 35 feet. The survey was ordered and no report

was made, but it has been suggested that it would be well to have the report also from President Roads to the navy yard.

Mr. MOORE of Pennsylvania. What is the depth?

Mr. LAWRENCE. There is no stipulation as to the depth, but it is left to the engineers.

Mr. MOORE of Pennsylvania. New York has 40 feet, Baltimore has 35 feet, and it has been reported that Boston is moving to obtain a 40-foot channel, and I wanted to know if this survey was in contemplation of that?

Mr. LAWRENCE. We hope to get a favorable report on a project for 40 feet, but we do not limit the engineers to that, but give them discretion to report on any additional depth they see fit.

Mr. MOORE of Pennsylvania. Boston, then, wants more than 35 feet?

Mr. LAWRENCE. Boston does; yes.

The Clerk read as follows:

Connecticut River from Hartford, Conn., to Holyoke, Mass.

Mr. GILLET. Mr. Chairman, I trust this provision for a survey of the Connecticut River between Hartford and Holyoke will be approved by the House. Members will doubtless be surprised to find that another survey is desired, for I doubt if there is any similar length of river in the United States on which so much money has been expended for surveys, and yet there has been so far hardly any appropriation for the improvement of navigation, and I did not suppose that any further survey would ever be necessary. The previous surveys have all originated with the Congressman, but the need of this survey was brought to my attention by the engineers of the War Department. They said that the outlook seemed favorable for legislation this winter which would finally insure the long-awaited navigation by the charter of a power company which would build the dam and the lock, and that in connection with the plans of that company, and to adapt the Government dredging thereto, some supplementary investigation was necessary, and it is to supply that and bring the Government plans into conformity with this new enterprise that this survey is necessary.

I hope it will be adopted by the House and that the expectation of the War Department will be realized, and that this Congress will enact the bill now pending which will open to navigation this river.

The Clerk read as follows:

New York Harbor, N. Y., with a view to securing additional width in Bay Ridge and Red Hook Channels.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 46, between lines 16 and 17, insert the following:

"Plattsburg Harbor and vicinity on Lake Champlain: For the deep-water connections with suitable terminals that are to be established at Plattsburg, N. Y., in connection with the New York State Barge Canal."

The amendment was agreed to.

The Clerk read as follows:

Broadkill River, Del.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to insert, on page 46, after line 24, the words "Frankford Creek, Pa."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, after line 24, insert "Frankford Creek, Pa."

Mr. MOORE of Pennsylvania. Mr. Chairman, I submit that that should go in for a survey, because it is a creek that does an international business. The engineers have found on several occasions that it was worthy of improvement, but have held that inasmuch as it is within the municipality of Philadelphia the city should pay for the improvement.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HUMPHREYS of Mississippi. When was the last survey?

Mr. MOORE of Pennsylvania. In 1911.

Mr. HUMPHREYS of Mississippi. So the survey was ordered in 1911 and a report has been made.

Mr. MOORE of Pennsylvania. It has been made to the effect that commercially it was worthy and commendable, but owing to the fact that it was within the limits of the municipality it ought not to be included in a Federal bill.

Mr. HUMPHREYS of Mississippi. Have the conditions changed any since then?

Mr. MOORE of Pennsylvania. To this extent: An effort was made by the War Department to obtain an appropriation of \$15,000 in the last sundry civil bill in order to make the improvement with a view to reaching the Frankford Arsenal, which employs a great many hands and from which the Government makes shipments of a large amount of goods.



Mr. HUMPHREYS of Mississippi. The conditions are the same as they were a year ago. Congress ordered a survey a year ago, and the engineers made an investigation and made their report. What further could the engineers do if a survey was ordered in this bill?

Mr. MOORE of Pennsylvania. Mr. Chairman, I say to the gentleman very frankly that the engineers did what precedent evidently required them to do, but in bringing the matter up before the House a little while ago I learned from the chairman of the Committee on Rivers and Harbors that if this matter were brought up again it would have fair consideration. I think there is no question about the merits. It is simply a question whether, in view of the fact that you admit surveys of other streams that bisect cities, you will now admit Frankford Creek and the Schuylkill River on the same ground.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman must admit that that is a matter for Congress to pass upon with the light that is now before us. There is no occasion to send this back to the engineers and put the Government to the expense of having the engineers make an investigation which they have just made in order to report to Congress the facts they have already reported to Congress. If Congress wants to put the creek on the bill with an appropriation, Congress is in a position to do that now. We have all of the information that the engineers can give us, and I submit to the gentleman it is an utterly useless waste of money, and the gentleman has made some remarks upon the waste of the public moneys.

Mr. MOORE of Pennsylvania. I have not said anything about the waste of public moneys. Somebody else used those words.

Mr. HUMPHREYS of Mississippi. I submit it would be an utter waste of the public funds to call for a survey when we have just had one, and I submit to the gentleman that the thing to do is to ask Congress to appropriate for this creek and not ask for an additional survey. We have all the information necessary, and all we have to do now is to put the matter on the bill for appropriation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I urge the passage of the amendment, which is entirely meritorious.

Mr. HUMPHREYS of Mississippi. I want to make this statement: That if we do this we will be discriminating in favor of this creek.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 3, noes 31.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, after line 24, insert:  
"The Schuylkill River, Pa."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 1, noes 21.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 47, line 2, after the word "Delaware," add:  
"With a view to removing shoals by dredging."

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like the committee to carefully consider this amendment. I understand the Delaware River question fairly well, and believe the amendment the best thing possible for the interests which I in part represent. The Delaware River has been impeded from time to time, and the admission is just made here on this floor that Boston, a city one-third the size in population of Philadelphia, is now advancing to the 40-foot-channel stage, which New York already has. The Delaware River is being held down to the present depth of 30 feet, with a limited appropriation in this bill for 35 feet, which may continue for 10 years.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield now. It is all a part of an unfortunate system of postponement for the Delaware River; whether suggested by large interests or railroad competition, which sometimes is referred to by the Representatives of "the real people" upon this floor, I do not know; but five or six years ago there was injected into this bill a provision for a harbor of refuge at Cold Spring Inlet, N. J., 14 miles around from the Delaware Breakwater, and after a debate,

which was in some respects sensational, Congress voted to build this harbor of refuge 14 miles away in spite of the great Delaware Bay, which is a natural harbor of refuge for vessels in distress at sea. Gentlemen on this committee in eloquent periods had the vessels turned out of the Delaware Breakwater by ice, all in defense of a proposition that a million and a quarter of dollars be expended around the corner to make a pinhole in the ocean.

Your Cold Spring Inlet has been built. It has retarded the progress of the Delaware River for five years. You spent a million and a quarter in the sands. Now, I want to know what you are going to do with the construction of the breakwater and the institution of a survey which means another expenditure of perhaps a million dollars to connect up the existing breakwater and ice breaks with the land and increase the shoals in that harbor of refuge.

Mr. HUMPHREYS of Mississippi. Will the gentleman state what particular item he is speaking to?

Mr. MOORE of Pennsylvania. I am speaking of the Cold Spring Inlet.

Mr. HUMPHREYS of Mississippi. At Cape May?

Mr. MOORE of Pennsylvania. Yes. It may be of some interest to construction companies and of some interest to railroads more than it is to navigation on the Atlantic seaboard. It is one instance of real waste about which we may comment, if you please.

Mr. HUMPHREYS of Mississippi. The gentleman was in Congress at the time.

Mr. MOORE of Pennsylvania. I was, and opposed to Cold Spring Inlet.

Mr. HUMPHREYS of Mississippi. Has the gentleman concluded?

Mr. MOORE of Pennsylvania. Not yet. I have offered an amendment here which proposes to be of service to the Delaware River. It is that inasmuch as shoals have grown up in the harbor of refuge at the Delaware Breakwater and around the breakwater you shall survey for an estimated cost of dredging out the shoals. If you do that I am satisfied, but I have before me a petition which was circulated in the district I represent where the large shipping interests are, where pilots and masters of vessels are, and it is so skillfully drawn that it looks as if some expert had prepared it in the interest of construction companies. It asks people to sign for a project connecting the northern end of the existing breakwater with the Delaware shore by joining up the ice piers and the construction of additional breakwaters.

To do a thing like that now would simply mean another holdup on channel appropriations; it would mean that some construction company would take your money and do a useless thing. If you pass my amendment, you will do something that the shipping interests would really like to have done. They want the breakwater harbor dredged.

Mr. BURGESS. Will the gentleman state his amendment again? I did not understand it.

Mr. MOORE of Pennsylvania. My amendment is that this survey shall be limited to an estimate for the removal of shoals by dredging.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a few years ago a proposition was brought into this House for the improvement of Cold Spring Inlet, Cape May. Innuendoes, insinuations such as we have just heard, were put forth then by certain gentlemen who love to exploit themselves and their honesty in the newspapers [applause], and it was charged that a job was being put up by the Committee on Rivers and Harbors in the improvement proposed at Cape May. A number of gentlemen had much to say in the public press at the time. When the bill came before the House, in order that no gentleman might be able to say the next morning in the headlines that it was slipped through Congress, the chairman of the Committee on Rivers and Harbors himself, when that item was reached, rose and addressed the Chair and announced to all the House, including the distinguished gentleman from Pennsylvania, that "We have now reached the item which has been so severely criticized in the papers, and if any gentleman on the floor now wishes to strike that item from the bill let him arise in his place and make the motion and we are ready to debate it."

Mr. Chairman, it was then up to all gentleman who believed the slander that had been circulated about the Rivers and Harbors Committee to speak or forever after hold their peace, but when that proposition was offered on the floor the gentleman from Pennsylvania failed to rise and meet that challenge. I was on the subcommittee that reported the Cape May proposition to the full committee. I was on the committee that reported it to the House. I was on this floor ready then to debate it with any gentleman who chose to strike it from the bill, but nobody

made such an offer. If it was a job, it was the duty of every Member who so believed to stand in his place and make the motion. The gentleman from Pennsylvania says he was here at the time. Where was he upon that occasion?

Where, where was Roderick then?  
One blast upon his bugle horn  
Were worth a thousand men.

But he failed to toot his horn. [Laughter and applause.]

[Mr. MURRAY addressed the committee. See Appendix.]

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts has barked up the wrong tree. I made no reflection upon his city whatever. I stated what is the fact, that we had three times the population in Philadelphia that they have in Boston. No one has heralded more than I have the virtues of that great city; no one has preached more the municipal liberality of Boston in regard to this \$9,000,000 appropriation for the improvement of its own harbor than I have, and no one here has preached more the deplorable condition of Boston and New England in regard to transportation, in view of the fact that the Boston Chamber of Commerce, the most acute body of commercial men in this country, admits that it pays \$70,000,000 per annum to get \$30,000,000 worth of coal.

Mr. MURRAY. Why do you protest against the 40-foot channel?

Mr. MOORE of Pennsylvania. I say that if Boston gets a 40-foot channel and Philadelphia is held to 30, that Philadelphia ought to get a move on.

Mr. MURRAY. It ought to get some commerce before it tries to do that.

Mr. MOORE of Pennsylvania. It is not second to Boston in that respect. The gentleman entirely understands me. As to the gentleman from Mississippi—

Mr. BOEHNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana [Mr. BOEHNE] makes a parliamentary inquiry. The gentleman will state it.

Mr. BOEHNE. Are we discussing the river and harbor bill or are we discussing a fuss between Boston and Philadelphia? I think it about time that we were getting down to business.

Mr. MURRAY. I was trying to discuss the amendment of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may have three minutes in which to reply to the gentleman from Mississippi [Mr. HUMPHREYS]. I would like to have five minutes.

The CHAIRMAN. The gentleman's time has not yet expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully submit to my distinguished friend from Mississippi [Mr. HUMPHREYS] that what he states about my being in Congress when the Cold Spring Inlet improvement was authorized is true. I was here, a brand-new man, coming down from the country, as it were, and meeting the great representatives of the Committee on Rivers and Harbors for the first time. I had gone to the members of that committee and submitted my complaint to them. I had indicated to at least some of the leaders that the Cold Spring Inlet proposition was not good, and did not have the real sympathy of the shipping interests of the city of Philadelphia, and that it was in opposition to the Delaware River proposition.

I remember the occasion when that committee brought in its bill just as well as if it were yesterday, so firmly is that theatrical scene impressed upon my memory. The galleries were full to the utmost tier, and the Members of the House were all present, keenly interested in the 500 separate items contained in the bill for every one of the 47 States of the Union. Every man was insistent that the bill should go through, with no opportunity for discussion. The philosophic and eloquent chairman of that committee, one of the most powerful and forceful men who ever sat in this House, rose, and after the gentleman from Illinois [Mr. MADDEN] had told of the building lots to be sold at Cold Spring Inlet dramatically inquired, "Is there any man on that side [indicating] or is there any man on this side [indicating] who is opposed to it?" And I, a young and innocent and diffident Member from bucolic Philadelphia [laughter], did not have the courage or the self-possession to rise up and object. But as time went on apace and I learned to know intimately and to love these distinguished members of the Committee on Rivers and Harbors I have taken occasion to interrupt my friends at times, even though it might test the temper of some. And even in this instance have risen in my place to make some slight objections to their bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The committee divided; and there were—ayes 2, noes 24.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. DONOHUE. Mr. Chairman, while we are on the subject I feel it would be well for me to say a word or two as to the Delaware Breakwater proposition, for which we have asked a survey. I would state to the members of the committee that I have received petitions from various public bodies urging the adoption of the project which was approved by the engineers several years ago.

Inasmuch as the recommendation of the engineers was of some years' standing, the committee deemed it advisable to have a new survey, and this is the cause, or, rather, the direct occasion, for the tempest to which we have just listened.

The fact of the matter is, Mr. Chairman, that my distinguished colleague from Philadelphia [Mr. MOORE] was for several years regarded in that great city as the chief exponent of waterway matters. Since I have come here there has been a division of responsibility on that subject, with the result that quite a large number of the people of our city look to me to do some little things. [Laughter.] Some are so unkind as to say of my distinguished colleague that he is a little jealous. I should not think so at all. He is too big a man to be jealous. He would not claim credit for anything that he does not do himself. I am sure of that. And in that connection I will ask the Clerk to read this particular news item about which my colleague from Philadelphia, I believe, knows something.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MOORE WINS FIGHT FOR NEW WATERWAY—NORFOLK-BEAUFORT LINK APPROPRIATION IS INCLUDED IN RIVERS AND HARBORS BILL.

[Special to the Inquirer.]

WASHINGTON, D. C., January 23, 1913.

The rivers and harbors bill was again up for discussion in the House to-day, and at the instance of Representative J. HAMPTON MOORE, of Philadelphia, the Philadelphia items which were temporarily laid aside on Tuesday were again postponed in order that the Norfolk-Beaufort link of the inland waterway might be taken up. After a lively fight, headed by Congressman SMALL, of North Carolina, backed up by Mr. MOORE, the item remained in the bill. It was objected to by Mr. FOSTER, of Illinois, and others, which brought on a lively discussion, in which Mr. MOORE took an active part in the interest of eastern waterways.

Mr. MOORE instanced one of many western rivers which he said was 500 miles long and for which appropriations of over \$2,000,000 had been obtained since 1874. "The commerce on this stream," said Mr. MOORE, "for 22 years was 57,000 tons."

"And yet you are objecting to an \$800,000 appropriation for a waterway on the eastern coast involving the tremendous overflow of congested cities while asking for and obtaining appropriations of \$2,000,000 on one of the many streams of this kind. In this bill are contained items amounting to more than \$8,500,000 for the Mississippi River."

It is expected that the Delaware River item will be reached tomorrow, the House adjourning at 6 o'clock, when Mr. MOORE made a point of no quorum.

Mr. DONOHUE. Mr. Chairman, the fight that my colleague [Mr. MOORE] won the other day in this House was really won in the committee more than a year ago by the gentleman from North Carolina [Mr. SMALL] and the other members of that committee. [Laughter.] This bill provides a liberal appropriation for the canal project in question, and my friend has had sufficient experience here to know that there was no danger of it being knocked out by an amendment.

Mr. DIES. The gentleman does not mean to leave the impression that the gentleman from Philadelphia [Mr. MOORE] is guilty of having palmed off this misrepresentation on the country?

Mr. DONOHUE. I ask the gentleman to deny it if he did not do it.

Mr. MOORE of Pennsylvania. If the gentleman would like to know whether I wrote those headlines I would say "no."

Mr. DONOHUE. The article?

Mr. MOORE of Pennsylvania. No; the gentleman is entirely mistaken. I did not write the article. Will the gentleman consent to my having a moment or two after he has concluded his remarks?

Mr. DONOHUE. I surely will if I can have a little more time.

Mr. MOORE of Pennsylvania. I do not control the time.

Mr. DONOHUE. Now, Mr. Chairman, my good friend has not denied that he is the author of that article.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon I have denied it in toto.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. DONOHUE] has expired.

Mr. DONOHUE. I ask for additional time.



Mr. MOORE of Pennsylvania. I ask that the gentleman have five minutes in which to explain this painful situation. [Laughter.]

Mr. MANN. Reserving the right to object, I should like to ask how much more time will be wanted on both sides. We had an understanding that we would not run until half past 6.

Mr. MOORE of Pennsylvania. I will gladly divide my time with my friend.

Mr. SPARKMAN. Mr. Chairman, I am loath to object to this discussion or any discussion between these gentlemen, but we must make headway, and I would suggest to both of these gentlemen that when we return to the Delaware item later, where the appropriation is made, then each of them can have an opportunity.

Mr. MOORE of Pennsylvania. If the gentleman from Florida will permit the gentleman from Philadelphia to go on now, he will save time on the Philadelphia item. I do not want to discuss it very long, but I really would like a little time now.

Mr. SPARKMAN. All right, go ahead.

Mr. MANN. Can we not have an understanding about the length of time to be spent on this item, and then that the committee shall rise?

The CHAIRMAN. Unanimous consent has been asked that the gentleman from Pennsylvania [Mr. DONOHUE] be allowed to proceed for five minutes.

Mr. MANN. Reserving the right to object, I should like to see if we can not fix a limit to this.

Mr. DONOHUE. I should like five minutes.

Mr. MANN. How much time does the gentleman from Pennsylvania [Mr. MOORE] desire?

Mr. MOORE of Pennsylvania. I should like eight minutes.

Mr. DONOHUE. Then I should have eight minutes. [Laughter.]

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania on my left [Mr. DONOHUE] and the gentleman from Pennsylvania on my right [Mr. MOORE] each have five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the two gentlemen from Pennsylvania have five minutes each. Is there objection?

There was no objection.

Mr. DONOHUE. Mr. Chairman, my good friend and colleague [Mr. MOORE of Pennsylvania] has made repeated attempts of late to show that the appropriation provided in this bill for the improvement of the Delaware River is inadequate, and that he has discovered a "joker" in the bill, inasmuch as the period covered by these appropriations is unusually long. I want to ask the chairman of the Rivers and Harbors Committee a few questions in that connection: First, are the appropriations in this bill to cover a longer period than was covered by the appropriations in the bill of 1911?

Mr. SPARKMAN. The estimates of the engineers, which were followed here, were intended to cover and do cover a period of about 16 months.

Mr. DONOHUE. And that was so in the bill of 1911?

Mr. SPARKMAN. Yes; in 1911 that was so.

Mr. DONOHUE. Is the sum covered in this bill for the improvement and maintenance of the Delaware 35-foot project the full amount asked by the engineer?

Mr. SPARKMAN. The entire amount; yes.

Mr. DONOHUE. It would be inaccurate for anyone to say that the sum was inadequate, then, since the Government engineers say it is all that can profitably be expended until June 30, 1914?

Mr. SPARKMAN. The engineers do not say it is inadequate, and our committee were of the opinion that it is adequate.

Mr. DONOHUE. Has any river and harbor bill in the last 10 or 12 years carried as large an amount for this purpose?

Mr. SPARKMAN. This is the largest appropriation for this purpose that I know anything about.

Mr. DONOHUE. I send to the Clerk's desk an editorial from one of the great Philadelphia papers commenting upon my work here. That editorial results from statements furnished to the several Philadelphia newspapers by my kind friend [Mr. MOORE of Pennsylvania].

The Clerk read as follows:

[From the Philadelphia Inquirer.]

AND WHERE IS MICHAEL DONOHUE?

So it seems that Philadelphia has been badly treated in the matter of appropriations for the Delaware River. The House Committee on Appropriations can find money in plenty for every other project that anybody may see fit to mention. The Mississippi River, with no commerce to speak of, can come in for tremendous sums. Mud flats can claim their "pork." But the great Delaware River, with its already big commerce—the Delaware River which needs only fair treatment to enable it to increase tremendously its payments to the United States Treasury through customs duties—is slighted.

An appropriation of \$1,700,000 looked fairly well on paper, but when Representative MOORE drew the confession of the committee that \$400,000 was to go for maintenance and that the remainder would be stretched over 16 months instead of over 12, it was found that the appropriation for the year available for practical work had been reduced to a beggarly \$1,000,000.

At that rate of progress we should be digging the channel 10 years from now, whereas we ought to have the 35 feet in half that time.

It is a serious disappointment that the Democratic committee has given us. And where, it might be asked, is the Hon. MICHAEL DONOHUE in hiding? For surely this gallant statesman of the Democratic faith, chosen from a Philadelphia district because of his supposedly vast influence with his fellow Democrats, can not be "on the job."

Mr. DONOHUE. Now, Mr. Chairman, that is a very illuminating editorial from a great daily which circulates among a million and a half of people. It is the result of inaccurate information furnished the newspapers by a Member of this House, that the Delaware River was getting a smaller appropriation than it ought to get, and various other statements that are not true. I am glad to be able to convince the Members present—and I trust it will reach Philadelphia in the course of time—that the Delaware River is being well taken care of this year; that in this Congress, in this Democratic House, the appropriations for the improvement of that worthy project will amount to \$3,750,000 before March 4, whereas the total sum appropriated for the six years before I was elected to Congress amounted to only \$3,900,000. In other words, this Democratic House has given almost as much in two years as the Republican Houses gave for that improvement at Philadelphia in six years. [Applause on the Democratic side.]

But the serious part of it all is this: Members may smile and pretend to be good fellows, but cold statements reach a multitude at home, and I consider it manifestly unjust for any Member of this House to lower himself to the point of giving misstatements to the press that will reflect upon the work of any other Member. [Applause on the Democratic side.]

The only extension of these remarks that I desire to make at this time is to quote the words uttered by two distinguished Republican Members while the bill was under consideration on last Saturday. Mr. MANN, the worthy leader of the minority, said:

Mr. Chairman, ever since I have served in this House alongside of my distinguished friend from Philadelphia I have recognized him as an exponent of the proposition that the Government ought to improve rivers and harbors. In fact, there was a time when I was led to believe that my distinguished friend from Pennsylvania was really trying to appropriate too much money for the improvement of rivers and harbors. But to-day my idol is shattered and falls to the ground.

The gentleman from Pennsylvania for the last two or three days, while this bill has been up for consideration, has done everything he could to prevent its passage, opposing various propositions that are in the bill, while assuming and assuring the House that he really was in favor of them. Think of my friend from Pennsylvania, whom we had placed upon a pedestal as being in the lead in the way of river and harbor improvement, now standing and fighting each of the items as they become a law. Why, I thought my friend from Pennsylvania was the president of half a dozen different associations designed to extract money out of the Treasury for the improvement of rivers and harbors. I have heard the gentleman time and again ask leave to extend his remarks in the Record for the purpose of inserting something in favor of great appropriations for rivers and harbors.

Mr. MOORE of Pennsylvania. And they have been denied.

Mr. MANN. Yet the gentleman is doing his best now to prevent the passage of this river and harbor bill in time for it to be considered at the other end of the Capitol so that it may become a law. I fear that in the future I may not be able blindly to follow my friend from Philadelphia along the lines in favor of river and harbor improvements, because I shall never know when he is going ahead and when he is backing up. [Laughter.]

Mr. AUSTIN, one of the ablest and most painstaking Members on his side of the House, said:

Mr. AUSTIN. Mr. Chairman, I want to appeal to my colleagues on this side of the House to give us an opportunity, in the interest of public business, to go forward with the consideration of this bill. [Applause.] We have 31 working days before the final adjournment of this Congress. There are 11 supply or appropriation bills. There are 4 of them that have not been reported to this House, and only 1 of the 11 has passed both Houses of Congress, and that bill has not so far received the approval of the President of the United States.

Here is a calendar with thirty-odd pages of general and private bills. More than 400 or 500 general and private bills and 11 supply bills of the Government awaiting us, and here we are killing time—making motions and objecting and wasting valuable time.

This bill is a meritorious measure. This great committee that has brought it in is deserving of commendation on both sides of this House. It is not deserving of the unjust criticisms that have been made. This bill is practically above criticism and condemnation. No appropriation committee in this House is hedged about with more safeguards in the interest of the legitimate expenditure of public moneys than the Committee on Rivers and Harbors. The chairman of it is a Member of long standing in this House, competent, worthy, and deserving the confidence of all his colleagues. The men who are associated with him in the preparation of this bill, Republicans and Democrats, have the interest of our country at heart. They have brought in for our consideration this measure which awaits our approval. Do not let us trifle away any more of the valuable time that belongs to the people of this great country. Here we have spent almost an entire afternoon on less than 3 pages of a great measure which runs into 60 pages. It is not creditable to the membership of this House. We can not change the paragraphs in this bill, for the Members are determined to sustain this committee, and I appeal to my Republican colleagues to let us proceed in an orderly and creditable manner, in the interest of the American Congress and to our own honor and credit. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman and gentlemen, I must bear up under the hallucinations of my friend, who seems to lie awake nights thinking of things to send the newspapers. I have been accustomed to this since he has arrived in the House, and I observe that when correspondents are outside he is busy going and coming. I do not think I have a monopoly of the business of getting my name in the newspaper, as I shall submit. Indeed, I have given points to the gentleman from the fifth district, which he has not been slow to accept. The gentleman is busy, as I observe, and is encouraging others to help him in the good work he undertakes to do. I hold in my hand a letter which I would like to have the Clerk read. It is addressed to one of my constituents, but how it got into my district I do not know.

The Clerk read as follows:

Philadelphia, Pa.

JANUARY 2, 1913.

GENTLEMEN: Having been so decidedly successful in my recent election to represent the fifth district of Pennsylvania in the Sixty-third session of Congress of the United States, and having been so exceptionally successful at the last session in securing the largest appropriation ever known for the betterment of the Delaware River from Philadelphia to the ocean, it has been determined that I still further endeavor to have an appropriation for the improvement of the present incomplete harbor of refuge at the Delaware Breakwater, and some of my constituents have had prepared a petition, copy herewith inclosed, and you are requested to sign said petition and secure additional signatures, sending same to me at Washington.

Without reference to political conditions, it will be my great pleasure to seek the aid and influence of the powerful Rivers and Harbors Committee, of which I am a member, for this much-needed improvement at Delaware Bay.

Requesting your early cooperation, I remain,  
Very truly, yours,

MICHAEL DONOHUE.

Mr. MOORE of Pennsylvania. You see, Mr. Chairman, that the gentleman has observed that he has received numerous petitions from citizens desiring him to do certain things, and now I give you an insight into the manner in which the petitions are collected. It will be a useful pointer to those who want to be extremely popular in their districts.

Mr. DONOHUE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will if the gentleman will get me more time. Now, Mr. Chairman, in the matter of press notices, I notice that a press agency is working in Washington and sending to newspapers in Philadelphia information in relation to the matter of the Delaware River. I have occasionally read that the gentleman got an appropriation of \$1,300,000 last year, when, as a matter of fact, the committee left him with \$500,000 until I aided him to get \$1,000,000; after which I went to the Senate and secured \$300,000 more. But the gentleman is dealing with millions—two millions he now claims—although your bill cuts down the total for the next fiscal year to one million, when the engineers recommended two millions and a half. But the Democratic millions are still being reported to Philadelphia, as the following inspired article sent out by the gentleman's friends, will show:

The Clerk read as follows:

DEPARTMENT OF WHARVES AND DOCKS, PHILADELPHIA—\$2,000,000 TO PUSH PORT DEVELOPMENT—CONGRESS WILL DO ITS SHARE IF STATE DOES LIKEWISE—CONFIDENCE IN PRESENT ADMINISTRATION OF PHILADELPHIA PORT LED TO RECOMMENDATION FOR RECORD APPROPRIATION.

PHILADELPHIA, PA.

With a recommendation of \$2,000,000, the largest sum ever appropriated by the National Government to the Delaware River channel, Congress has placed its stamp of approval upon the projected greater port of Philadelphia, and within four years, it is estimated, the 35-foot channel will be complete, providing ample depth for the largest vessels built.

Describing the attitude of Congress toward the port of Philadelphia and explaining the Rivers and Harbors Committee's reasons for endorsing the full sum requested by the Government engineers for channel work, Congressman MICHAEL DONOHUE, member of the committee, and, with Representative LEE, of Pottsville, indefatigable worker for the river and port, said:

"GOVERNMENT WILL COOPERATE.

"It is becoming the settled policy of Congress that money for the improvement of waterways shall be appropriated only where those waterways lead to ample terminal facilities, controlled not by private interests but by the municipality or State, for the benefit of all the people. By ample terminal facilities, I mean not merely a sufficient number of public wharves and docks, but also sufficient railroad connections."

As the legislature will hardly ignore conditions which have been the Federal Government's incentive for a \$2,000,000 appropriation, although the Federal Government's interest is only general, while that of the State is local and particular, Director Norris feels that the appropriations from the State will be forthcoming and also that he will not be refused the legislation by which he hopes ultimately to place the port of Philadelphia under public administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania asked for and received unanimous consent to extend his remarks in the RECORD.

Mr. DONOHUE, by unanimous consent, was given leave to extend remarks in the RECORD.

Mr. SPARKMAN. Mr. Chairman, do I understand the gentleman to say that there is only \$1,000,000 appropriated in this bill?

Mr. MOORE of Pennsylvania. If the gentleman cares to discuss that now, I will take it up; but I thought we would take it up when we get back to the Delaware item. I want to help the gentleman to get through with his bill.

Mr. MANN. I hope the gentleman will now move to rise and ask that the House meet at 11 o'clock Monday morning.

Mr. SPARKMAN. Mr. Chairman, I would like to go on for a little while yet.

Mr. GARNER. Why, Mr. Chairman, it is not yet 6 o'clock. Why should the gentleman want to rise now?

Mr. MANN. Mr. Chairman, if the gentleman from Texas wants to be facetious, well and good. If he wants to ascertain the reason, I will tell him.

Mr. GARNER. Oh, I do not want to inquire into the reasons.

Mr. MANN. The gentleman from Illinois is not seeking to filibuster. If the gentleman from Texas wants him to, he will.

Mr. GARNER. Oh, I am not desirous about the conduct of the gentleman from Illinois, and I was simply asking why it was that at this late day in the session, when we must meet at 11 o'clock in the morning, it is necessary to rise before 6 o'clock. I think that is a legitimate question, and if the gentleman from Illinois thinks that is a facetious question or a question calculated to bring on a filibuster, of course he can construe it as he may wish.

Mr. FITZGERALD. I have a resolution that I should be glad to pass to-night if we can rise.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to make a motion?

Mr. MANN. Mr. Chairman, I did not make any motion. If the gentleman does not desire to pay any attention to my suggestion, he does not need to.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I do not wish to unnecessarily prolong the session to-day, but I would like to finish the reading of the bill if we can.

Mr. MANN. Then we will not meet at 11 o'clock Monday morning, and the gentleman may as well understand that now as at any other time.

Mr. MURRAY. Mr. Chairman, it is clear that the gentleman from Illinois [Mr. MANN] desires to have the committee rise at this time. I believe that it is better to rise now than to take three and one-half hours to approve the Journal on next Monday. Therefore I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Massachusetts makes the point of no quorum. The Chair will count. [After counting.] Seventy-nine Members are present, not a quorum.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Moon of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28180, the river and harbor appropriation bill, and had come to no resolution thereon.

#### COMMITTEE ON MILEAGE.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution that I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 794.

Resolved, That the following assignment of room in the House Office Building be, and the same is hereby, made:

To the Committee on Mileage, the room on the second floor of the House Office Building, No. 292, heretofore assigned to the special committee on the investigation of the United States Steel Corporation for its use until its report shall be made to the House.

Mr. MANN. Is that the room that the gentleman from Pennsylvania [Mr. LAFEAN] formerly had?

Mr. PALMER. I think he had it once. This room 292 was used by the committee on the investigation of the Steel Trust, to be used by them until they should make their report to the House. That report has now been made. Since that time the room has been used by the Committee on Expenditures in the Post Office Department. That committee is now about through or will be in a day or so. The purpose of this resolution is to give the room to the Committee on Mileage, which has never had a committee room.



Mr. MANN. It is not quite fair to say that.

Mr. PALMER. That is, since I have been here.

Mr. MANN. It has always had a committee room, but it was given just the same room that a Member was given.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution. The resolution was agreed to.

PROTECTION OF LIFE AND PROPERTY, ETC., PRESIDENTIAL INAUGURAL CEREMONIES, 1913.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 145.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 145) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1913.

Resolved, etc., That \$23,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1913, both inclusive. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period and fixing fares to be charged for the use of the same. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia, for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how much will we have to pay for cab hire during the inaugural time?

Mr. FITZGERALD. I hope the gentleman will find it convenient to walk; I will say to him I am not familiar—

Mr. MANN. Well, when the gentleman attempted to walk it was not convenient at all.

Mr. FITZGERALD. I am not familiar with the regulations made by the commissioners, but this gives the usual authority given to regulate cab hire, and so forth.

Mr. MANN. I thought probably the gentleman could tell us in advance so we could get it by small doses.

Mr. FITZGERALD. Perhaps the gentleman from Illinois will help me out by permitting me to ride in his limousine.

Mr. MANN. I will when I have one.

Mr. FITZGERALD. Mr. Speaker, this is a resolution based on the usual lines. The committee had the superintendent of police before it and inquired with some care into the purpose for which the \$23,000 and the \$2,000 were to be used, and the explanation was entirely satisfactory to every member of the committee. We believe that the money is properly expended and expended for a very necessary and beneficial purpose.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ADJOURNMENT.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p. m.) the House adjourned to meet at noon to-morrow, Sunday, January 26, 1913, at 12 o'clock.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 153) granting to the Fifth Regiment Maryland

National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia, reported the same without amendment, accompanied by a report (No. 1389), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1390), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 7508) to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia, reported the same without amendment, accompanied by a report (No. 1391), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 1072) to amend section 895 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1392), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 6919) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1393), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 2600) to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, or vulgar pictures in public places of amusement in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1394), which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 158) approving the plan, design, and location for a Lincoln memorial, reported the same without amendment, accompanied by a report (No. 1396), which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill (S. 7448) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries, reported the same without amendment, accompanied by a report (No. 1397), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 24953) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army, reported the same with amendment, accompanied by a report (No. 1384), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, with Senate amendments, reported the same (No. 1385), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 20403, reported in lieu thereof a resolution (H. Res. 791) referring to the Court of Claims the papers in the case of Milton S. Cabell, accompanied by a report (No. 1386), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25999, reported in lieu thereof a resolution (H. Res. 792) referring to the Court of Claims the papers in the case of heirs of Lindley Abel, deceased, accompanied by a report (No. 1387), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 27844, reported in lieu thereof a resolution (H. Res. 793) referring to the Court of Claims the papers in the case of

E. De Atley & Co., accompanied by a report (No. 1388), which said resolution and report were referred to the Private Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens, reported the same without amendment, accompanied by a report (No. 1395), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15581) granting an increase of pension to Christopher S. Alvord, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 28437) to prevent the contamination of the water of Lake Michigan; to the Committee on the Judiciary.

By Mr. CLARK of Florida: A bill (H. R. 28438) to provide for the erection of a public building at Lake City, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: Resolution (H. Res. 790) calling on Secretary of War for information; to the Committee on Military Affairs.

By Mr. LEE of Georgia: Resolution (H. Res. 791) referring the bill (H. R. 20403) for the relief of Milton S. Cabell to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 792) referring the bill (H. R. 25999) for the relief of the heirs of Lindley Abel, deceased, to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 793) referring the bill (H. R. 27844) for the relief of E. De Atley & Co. to the Court of Claims; to the Committee of the Whole House.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 28439) granting a pension to Nancy E. Devault; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 28440) granting a pension to Sarah Ann Reynolds; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 28441) granting an increase of pension to William T. Smith; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 28442) granting an increase of pension to Hugh Clements; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 28443) granting a pension to Austin Watson; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 28444) for the relief of William R. Ballard; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 28445) granting a pension to Andrew F. Sanborn; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 28446) granting an increase of pension to Daniel Spangler; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 28447) granting a pension to Gertrude M. Coffin and minor child; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 28448) granting an increase of pension to J. R. Stroup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28449) granting an increase of pension to William C. Smith; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 28450) granting an increase of pension to Lucinda Kennedy; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 28451) granting a pension to Caroline Bast; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Italian-American Bank and the Italian-Swiss Colony, San Francisco, Cal., and 123 local societies of the Italian-American Alliance of America in and around Philadelphia, Pa., all protesting against the passage of the Burnett immigration bill for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Nashville Grange, No. 1851, Lakeville, Ohio, protesting against the reduction of the present

tax of 10 cents per pound on colored oleomargarine; to the Committee on Agriculture.

By Mr. CALDER: Petition of the Tide-Water Building Co., New York City; Charles M. Higgins & Co., Brooklyn, N. Y.; and C. H. Blackall, Boston, Mass., favoring adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the German-American Peace Society, New York, protesting against the passage of House bill 8141, placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Ford Motor Co., Detroit, Mich., favoring the passage of the McLean bill giving Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the American Talking Machine Co., Brooklyn, N. Y., protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Earl & Wilson Co., New York, favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of the Ford Motor Co., Detroit, favoring passage of legislation for the Federal protection of migratory game birds; to the Committee on Agriculture.

Also, petition of captains and masters of the smaller class of vessels of the Great Lakes, protesting against the passage of the Hardy-Wilson bills relating to the employment of a greater number of men as seamen on all vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chicago Peace Society, Chicago, Ill., relative to the exemption of American coastwise vessels from Panama Canal tolls, asking an international arbitration on the question if it can not be settled otherwise; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Milwaukee Corrugating Co., Milwaukee, Wis., favoring passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petition of the Philadelphia Bourse, Philadelphia, Pa., favoring passage of the Weeks bill (H. R. 27567) for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Pittsburgh, favoring the passage of legislation for Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of sundry citizens of Wilkesburg, Pa., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DYER: Petition of the National Drainage Congress, St. Louis, Mo., asking that certain changes be made in the river and harbor bill for the improvement of the Mississippi River and tributaries; to the Committee on Rivers and Harbors.

Also, papers to accompany bill (H. R. 28703) granting a pension to John G. Hunt; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 28413) granting a pension to Josephine C. Nixon; to the Committee on Invalid Pensions.

Also, petition of J. C. Sartalle, St. Louis, Mo., favoring the passage of House bill 19115, for the payment of claims for longevity pay and allowances on account of services of officers in the Regular Army; to the Committee on War Claims.

Also, petition of the Wesco Supply Co., the Lungstras Dyeing & Cleaning Co., and the Broderick & Bascom Rope Co., of St. Louis, Mo., favoring the passage of the Weeks bill (H. R. 27567) providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of John A. Stewart, New York, favoring the passage of legislation creating a commission to represent the United States Government in the celebration of the Ghent treaty; to the Committee on Foreign Affairs.

Also, petition of the Ford Motor Co., Detroit, Mich., and George F. Tatum, St. Louis, Mo., favoring the passage of the McLean bill for Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the National Association of Railway Commissioners, favoring the passage of the bill (S. 6099) establishing a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petitions of the Waterbury Felt Co., Skaneateles Falls, N. Y.; the Brainerd Manufacturing Co., East Rochester, N. Y.; R. F. Lang, New York; and the Dutchess



Manufacturing Co., Poughkeepsie, N. Y., favoring passage of the Weeks bill (H. R. 27567) for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petitions of the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York; mural painters, New York; C. H. Caldwell, New York; and John F. Carew, favoring adoption of the Mall site and design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Consolidated Dental Manufacturing Co., New York, favoring the passage of legislation for the control of the sale of poisons and to regulate the practice of pharmacy in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the National Association of Railway Commissioners, favoring passage of Senate bill 6099, for the establishment of a general or uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brighton Heights Reformed Church Men's Club, Staten Island, favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of John Burroughs, favoring the passage of legislation for Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of W. J. Shafer, Mount Ephraim, Ohio, favoring the passage of House bill 1339, granting an increase of pension to the veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. HINDS: Papers to accompany bill granting a pension to Andrew F. Sanborn; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: Petition of the Philadelphia Bourse, favoring passage of Senate bill 7503, for 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the Waterbury Felt Co., Skaneateles Falls, N. Y., favoring passage of the Weeks bill (H. R. 27567) for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of James T. Bathurst, Philadelphia, and W. J. Shafer, Mount Ephraim, Ohio, favoring passage of House bill 1339, granting an increase of pension to the veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Ford Motor Co., Detroit, Mich., and John Burroughs, New York City, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of the board of directors of the Philadelphia Bourse, favoring the passage of Senate bill 7803, for a 1-cent parcel-post rate; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of the District of Columbia Suffrage League, favoring the passage of legislation granting the residents of the District of Columbia the right of voting; to the Committee on the District of Columbia.

By Mr. PICKETT: Petition of Jacob Krapf and 26 other citizens of Dyersville, Iowa, protesting against the passage of the Lever oleomargarine bill for reducing the tax on oleomargarine; to the Committee on Agriculture.

By Mr. POWERS: Petition of the watch force of the National Museum, together with letter and statement from the secretary and assistant secretary of the National Museum, favoring an increase in salaries of the watchmen of the National Museum; to the Committee on Appropriations.

By Mr. SPEER: Petition of sundry citizens of the twenty-eighth congressional district of Pennsylvania, favoring passage of legislation to validate leases between Uncle Sam Oil Co. and the Osage National Council; to the Committee on Indian Affairs.

Also, petition of the First Presbyterian Church of Oil City, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the First Presbyterian Church of Oil City, Pa., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.